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Chair: Ms. Węgrzynowska (Vice-Chair)

(Poland)

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The meeting was called to order at 3.05 p.m.

Agenda item 64: Promotion and protection of the rights of children (*continued*) (A/71/41)

(a) **Promotion and protection of the rights of children** (*continued*) (A/71/205, A/71/206, A/71/213, A/71/253, A/71/261, A/71/277 and A/71/413)

(b) **Follow-up to the outcome of the special session on children** (*continued*) (A/71/175)

1. **Ms. Joubli** (Switzerland) said that her Government had ratified the Convention on the Rights of the Child and its first two Optional Protocols. It had plans to ratify the third, and encouraged the few countries that had not yet ratified the Convention and its Optional Protocols to do so. The 2030 Agenda for Sustainable Development, in particular targets 16.2 and 5.2, provided a promising approach to many global problems related to children's rights, including violence against children, lack of access to education, and harmful cultural practices such as female genital mutilation, child marriage and early and forced marriage. In view of the great importance of the study called for by General Assembly resolution 69/157, the Swiss Government was funding a post at the Office of the United Nations High Commissioner for Human Rights in Geneva to facilitate its launch. Other Member States should also respond to the call for funding for the study.

2. Many challenges remained in the area of children and armed conflict. Long-lasting conflicts were particularly damaging to civilian populations, and resulted in violations of children's rights. According to the United Nations Special Envoy to Syria, the conflict there had caused more than 400,000 deaths, including those of thousands of children. The proliferation of attacks on hospitals and schools in the context of armed conflicts in countries such as Syria, Afghanistan and Yemen suggested a deliberate strategy on the part of certain parties. Barring exceptional circumstances, such attacks constituted grave violations of international humanitarian law.

3. **Mr. Radomski** (Poland) said that promotion and protection of the rights of the child should continue to guide policies and strategies, despite the multiple crises currently faced by the international community.

The Convention on the Rights of the Child was unique in that, for the first time in history, it gave children the right to be heard. His country's legal framework for the protection of children's rights included an ombudsman for children: an independent State institution responsible for upholding children's rights in accordance with the Convention and other relevant instruments.

4. Despite such structures, challenges in the area of children's rights remained and additional problems were emerging, such as the issue of children's rights in relation to new digital and communication technologies. Migrant children were particularly vulnerable. Under Polish law unaccompanied migrant children were granted, *inter alia*, legal representation, decent living conditions and social assistance. The Polish Government took all measures possible to reunite them with their families, which was the most important help that could be given to migrant children.

5. **Mr. Mminele** (South Africa) said that children continued to be abducted or recruited in order to be used as sex slaves, helpers, guards and armed fighters. Many of them died in the process, and others were taken away from their communities and suffered untold emotional, developmental, physical and psychological harm. The indoctrination of children by non-State armed groups was of particular concern. In addition, armed conflicts destroyed States' social services structures, meaning that children in conflict-torn areas did not have access to education or health services, or even water or nutritious food, factors which deepened poverty. The importance of children having access to basic services in a safe and secure environment could not be overemphasized. His Government remained committed to the full implementation of the Convention on the Rights of the Child and its Optional Protocols, as well as implementation of other relevant instruments. For societies to be sustainable and prosperous, children must thrive in safe environments.

6. **Ms. Cupellini** (Italy) said that, through the 2030 Agenda, young people had the chance to shape history and set a course towards a more sustainable future. The Sustainable Development Goals provided a holistic approach to the promotion of the rights of the child, but concrete actions were needed to transform the Goals into realities. Her Government placed the highest premium on advancing children's rights in both

legislative and practical terms, especially in the most disadvantaged places.

7. In January 2016 Italy had ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, enabling Italian children to bring complaints about violations of their rights directly to the United Nations Committee on the Rights of the Child if they could not find a solution at the national level. In August 2016 the Government had adopted its fourth national action plan on the rights and development of the child. The plan outlined how Italy would implement the Convention and how it would, *inter alia*, combat child and family poverty and ensure the provision of early childhood socio-educational services.

8. Lastly, Italy had strengthened its efforts *vis-à-vis* the migrant and refugee children entering Europe. In 2016 more than 21,000 unaccompanied minors had reached the shores of Italy. The Government had developed a migration compact, built on its strong commitment to saving lives at sea and containing concrete, achievable targets related to the root causes of migration. It had also promoted a resettlement programme aimed at saving women and unaccompanied minors, whom it considered the most vulnerable migrants. Migrant and refugee children must be treated first and foremost as children, with a focus on the protection of their rights.

9. **Mr. García Moritán** (Argentina) said that his Government was actively working to implement the Convention on the Rights of the Child, which all Member States should ratify. His country's comprehensive law on the protection of children and adolescents applied to all children and adolescents in its territory. The Convention — on which his Government would submit its next periodic report in December 2016 — and the national law established a model for action based on absolute respect for children's rights. Universal access to sexual and reproductive health services was guaranteed by a national sexual health and responsible reproduction programme set up in 2002, which had had many positive effects, including helping to prevent unwanted pregnancies. A 2006 law had recognized the right of all children and adolescents to receive comprehensive sex education in school.

10. His Government had stated on various occasions that the terms "prostitution" and "pornography" were not applicable in relation to children and should not be used in international documents; they should be replaced by "commercial sexual exploitation of children". Argentina was firmly opposed to the use of children in armed conflict and was a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in addition to other international instruments concerned with children and armed conflict and forced child labour.

11. **Ms. Castillo** (Mexico) said that Mexico was a young country, with children and adolescents comprising one-third of its population. Taking a proactive approach to the protection of the most vulnerable, her Government had promulgated a national law on the protection of children and adolescents, which it implemented through a national system that included measures at the federal, state and municipal levels.

12. Through its participation in the Third Committee Mexico was determined to promote the rights of children, particularly when they had been neglected as the rights of migrant children were. Worldwide, almost 50 million children were outside their countries of origin. Displaced children disproportionately suffered the effects of xenophobia and lack of access to health and education services. Thousands of them fell prey to trafficking and sexual exploitation. Through the work of the Committee, her Government would seek to give a voice to displaced children.

13. In its capacity as a pathfinder country with the Global Partnership to End Violence against Children, Mexico had developed a national roadmap which set out clear, forceful and quantifiable commitments. It was thus continuing to strengthen its institutional capacity to protect children, as well as pursuing its work with international human rights and other specialized bodies to guarantee children's full exercise of their rights. Her Government hoped to expand dialogue in order to foster sustainable peace in all the environments in which children were present: school, home, communities and cyberspace. To establish such peace, public policies should empower children and adolescents to be capable of denouncing violations of

their rights and to know how to fully exercise their rights.

14. **Mr. Ruiz Blanco** (Colombia) said that his Government was ensuring that the rights of the child received priority attention in the decisions taken in the context of building stable and lasting peace in Colombia. In his country a process of awareness-raising was helping to change the attitudes and behaviours that perpetuated violence against children. Colombia had taken important steps to promote children's rights, including the development of an inter-institutional strategy to improve children's living conditions and the expedited adoption of the national Code on Childhood and Adolescence. The commitments to protect children made in the New York Declaration for Refugees and Migrants must be upheld. Governments should find alternatives to detention for children and their families; they could look to the Global Strategy — Beyond Detention 2014-2019 of the Office of the United Nations High Commissioner for Refugees for ideas.

15. Child-centred measures and investments, targeting particularly the most vulnerable, were essential to break the intergenerational cycle of poverty and thus constituted decisive weapons in the fight against inequality. Accordingly, development resources should be allocated to such measures and investments under the 2030 Agenda. Access to sexual and reproductive education and sexual health services for children and adolescents was essential to the fulfilment of their rights.

16. Bullying, including bullying based on sexual orientation or gender identity, should be addressed comprehensively by a range of actors, including parents, educators and policymakers. The international community should take on a more prominent role in the fight against bullying, including through the establishment of stricter definitions of what constituted bullying, the consolidation of relevant information and the establishment of think tanks to address bullying. A Colombian law on bullying at school provided support for the victims of bullying and their families, as well as counselling for bullies and their families.

17. **Mr. Cepero Aguilar** (Cuba) said that it was lamentable that the advances made in children's rights were uneven owing to the unequal concentrations of wealth in the North and the South. The problems faced

by children could not be resolved without the establishment of a fair and equitable international order, which would eradicate poverty and hunger, end war, place humanity over capital, and protect the environment.

18. Cuba had a solid record with regard to children's rights: children were not used in armed conflict, forced to work, trafficked by people traffickers or illegal migrant traffickers, used for organ harvesting, illegally adopted or made into servants. Since 1991 Cuba had been a party to the Convention on the Rights of the Child. In September 2015 it had presented its initial reports on the first two Optional Protocols to the Convention, which had resulted in recognition of its achievements with regard to the protection of children and adolescents. Its achievements were the fruit of free universal national health and education systems. Infant mortality was down from 60 deaths per 1,000 live births prior to 1959 to only 4.3 currently, and Cuba was the first country to have been recognized by the World Health Organization for eliminating mother-to-child transmission of HIV/AIDS and syphilis. According to the World Bank, Cuba had the best education system in the world. It had made such important progress despite the embargo imposed on it by the United States for more than a half-century. The General Assembly must continue to play a leading role within the United Nations to ensure the promotion of the rights of the child.

19. **Ms. Sukacheva** (Russian Federation) said that Russian social policy gave priority to the support, strengthening and protection of the family as the fundamental unit of Russian society, as well as to guaranteeing a child's right to a family, and preserving the moral values and spiritual basis of family life. The protection of the rights and interests of children was included in the State family policy concept for the period to 2025, the National Children's Strategy for the period 2012-2017, and the National Security Strategy for the period to 2020, which contained several major long-term policies on strengthening the role of the State in guaranteeing personal safety, particularly of children and adolescents.

20. As a broad range of government bodies and officials oversaw the protection of the rights and legal interests of children, the State Commission for Young People and the Protection of their Rights continued to

host outreach sessions to increase awareness of issues relating to children. The Presidential Commissioner for the Rights of the Child also carried out work to preserve and protect the rights, freedoms and interests of children, while bringing legislation on children's rights in line with the Russian Constitution and international norms. All regions of the Russian Federation had also established offices for children's ombudsmen. In addition to recent effective mechanisms to promote children's social awareness, knowledge of legal matters and participation in protecting their rights, children's social councils in all regions were educating children in traditional Russian values, civic responsibility and patriotism.

21. The emerging trend to separate the interests of children and parents, including in United Nations documents, was of great concern as it would cause the relationships between parents and children to be considered as fundamentally adversarial and would undermine the status of traditional cultural and family-based values in raising a child. As such a practice was contrary to both the interests of the child and the constitutional norms of democratic States, the Russian Federation would continue to defend the preeminent right of parents with respect to the raising of their child and the presumption of the parents' good faith when implementing parental rights, while safeguarding the inviolability of family life and the rights of the family from arbitrary interference.

22. **Ms. Goldrick** (Nicaragua) said that the Government of Nicaragua recognized the importance of teaching children about values, rights and responsibilities to ensure that future generations were tolerant and socially engaged.

23. The Government was committed to upholding the Convention on the Rights of the Child and to that end had strengthened relevant legislation and established social programmes aimed at supporting various groups, including vulnerable children, children with disabilities, indigenous children and children of African descent. The Government had also introduced free school meals, launched an anti-bullying campaign and set up a free 24-hour hotline for children staffed by a team of psychologists, lawyers and social workers.

24. The 2030 Agenda for Sustainable Development presented a further opportunity to uphold the rights of children. Global efforts to eradicate poverty required

the full support of the international community, including resource mobilization. Countries affected by migration should safeguard the rights and freedoms of children, on the basis of common but differentiated responsibilities. At the same time, the international community must address irregular migration in a humanitarian manner, ensuring that procedures for dealing with child migrants respected their rights and were in line with international law and human rights instruments.

25. Safeguarding the rights of children was the shared responsibility of the State, families, local communities and society as a whole. The Government was committed to working with national ministries and families across Nicaragua, as well as with the international community, to ensure that children's rights were respected. She called upon the authorities and political forces to put their differences aside and work together to guarantee children's rights and equal opportunity for every child.

26. **Mr. Harari** (Libya) said that the ratification by the majority of States of the Convention on the Rights of the Child and the Optional Protocols thereto had strengthened efforts by Governments and civil society organizations concerned with the rights of children, and relevant United Nations agencies, including the United Nations Children's Fund (UNICEF) to ensure that children lived in safe and secure environments.

27. Libya had incorporated the provisions of the Convention in its national legislation, recognizing that ensuring appropriate support and care of children was an essential prerequisite for human development, the advancement of societies and the achievement of sustainable development. Regrettably, however, gross violations of the rights of children continued to be perpetrated in many parts of the world; children's lives continued to be threatened by armed conflicts, the number of child victims of trafficking continued to rise, and children were increasingly at risk of abuse, exploitation and cyberbullying on the Internet.

28. The 2030 Agenda for Sustainable Development underscored the dignity of children and their right to live and grow in violence-free environments. The international community must take immediate and determined action to address the root causes of violence against children, while also promoting a culture of zero tolerance for all forms of such violence.

Libya fully supported the High Time to End Violence against Children initiative, which had been launched by the Special Representative on violence against children and noted with interest the contents of the Special Representative's annual report (A/71/206), particularly the information provided on the adoption of national strategies and legislation to combat all forms of violence against children. Libya also noted with interest the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/71/261).

29. Libya believed that families were the bedrock of society and that strong families provided a nurturing environment in which children could flourish. Strong families also protected children from attempts by terrorist groups to recruit them into their ranks, which had been facilitated by the global communications revolution. Educational institutions could also play a key role in ensuring that children were not seduced by extremist ideologies. The international community must redouble its efforts to ensure that all children grew and prospered in safe and nurturing environments.

30. **Ms. Salazar** (Peru) said that in September 2016 UNICEF had presented its draft country programme document for Peru, which covered the period 2017-2021. UNICEF and the relevant national bodies would need to work together to ensure the success of the programme and improve the lives of all children, in particular vulnerable and excluded groups.

31. At the national level, considerable progress had been made in recognizing, protecting and promoting the rights of children. The country had adopted a national action plan for the period 2012-2021 aimed at tackling child malnutrition, ensuring access to high-quality education and reducing the prevalence of violence against children. Peru had also adopted a specific plan on chronic child malnutrition and anaemia, and a strategy for the elimination of child labour.

32. Peru was committed to implementing and monitoring national child protection policies across all sectors and at all levels of government, as evidenced by the country's active participation in the Group of Friends on Children and the Sustainable Development Goals. The Government was also committed to ensuring that all children could grow up in appropriate

environments, safe from the risk of child labour, sexual exploitation and human trafficking, and called upon other Member States to do the same.

33. **Mr. Nguyen Duy Thanh** (Viet Nam) said that in the 26 years since Viet Nam had started implementing the Convention on the Rights of the Child and its optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, respectively, the country had created a solid legal framework and taken a number of measures to safeguard children. For instance, the Government had approved a programme of action on the prevention and elimination of child labour and established a national fund for children to mobilize domestic and international resources. To ensure that such initiatives were child-sensitive, the Government held regular forums with children. The Government had succeeded in achieving universal primary education, improving secondary enrolment rates, eliminating gender inequality in access to education, and halving infant and child mortality rates. In addition, at the global level much had been done to reduce child mortality, increase school enrolment rates, improve gender equality and give children a voice. That constituted a solid foundation for the implementation of the 2030 Agenda for Sustainable Development, particularly target 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.

34. Hundreds of millions of children continued to live in extreme poverty, without access to proper education, health care or social services, and at risk of violence, sexual abuse, harmful customary practices and armed conflict. He called upon Member States and the United Nations system, including UNICEF, to redouble their efforts to address such challenges and create a world fit for children.

35. **Ms. Bardaoui** (Tunisia) said that the inclusion in the Sustainable Development Goals of a specific target on ending abuse, exploitation, trafficking, all forms of violence against and torture of children was a significant step forward. Tunisia was committed to protecting children, as evidenced by the range of preventive measures it had taken. For instance, the development plan for the period 2016-2020 included provisions for strengthening child protection laws; ensuring children's participation in relevant

policymaking processes; and improving medical and psychological health-care coverage for children in rural areas, with a view to preventing social exclusion and marginalization. Efforts had also been made to strengthen links between pupils and teachers by improving infrastructure and reviewing education programmes. In addition, the Ministry for Women, Family and Childhood had launched Internet radio stations for children in rural areas and organized an awareness-raising campaign in collaboration with Tunisian artists to educate children about the dangers of isolationism. In that connection, she called upon all States parties to act to ensure that no child was forgotten or marginalized.

36. **Mr. Al Muhairi** (United Arab Emirates) said that, although the international community had achieved notable successes in recent decades in its initiatives to promote respect for the rights of children, millions of children continued to live in abject poverty or in desperate humanitarian conditions. The report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/71/205) indicated that, worldwide, more than 10 million refugee children lived in precarious situations in which they were at risk of falling under the influence of extremist and terrorist groups. To counter the threat posed by such groups, the international community must take decisive and urgent action to address the situation of refugee children and ensure that their rights were fully respected.

37. Upholding the rights and addressing the needs of children was a top priority in the development policies of his country, which had recently adopted legislation to strengthen respect for their rights. His country had also been appointed to chair the Virtual Global Taskforce, which was working to eradicate the online sexual exploitation of children, for the period 2016 to 2018.

38. The United Arab Emirates strongly believed that children must enjoy access to high-quality education, and, to that end, continued to make significant contributions to support educational projects targeting millions of children, particularly girls, in low-income countries. His country had also sponsored the recently adopted Human Rights Council resolution on realizing the equal enjoyment of the right to education by every girl. The United Arab Emirates was also continuing its

malaria prevention and polio vaccination campaigns, which were protecting millions of children worldwide.

39. To promote the interests of children, States must, first and foremost, address the needs of mothers. The Supreme Council for Motherhood and Childhood, which was presided over by Her Highness Sheikhha Fatima bint Mubarak, was therefore working with national and international stakeholders to formulate and implement strategies to improve the care provided to mothers and their children, in line with the highest international standards and the country's Vision 2021 strategic plan. The United Arab Emirates would, moreover, host the Fatima bint Mubarak global forum on motherhood and childhood in November 2016.

40. In February 2015, the United Arab Emirates had hosted a United Nations Population Fund meeting on reproductive, maternal, newborn and adolescent health in humanitarian crises, and the principles enshrined in the outcome document of that meeting, the Abu Dhabi Declaration, had been incorporated in the Secretary General's "Every woman every child" global strategy. A follow-up meeting had also been convened in Abu Dhabi in 2016 to formulate a five-year plan for implementation of the recommendations contained in the Declaration. Furthermore, in collaboration with Norway, his country had held a series of workshops on maternal and infant mortality reduction strategies in September 2016, during which his country had announced that it was stepping up its support for projects to improve maternal and infant health in Yemen.

41. **Mr. Giacomelli da Silva** (Brazil) said that the Government of Brazil had more than halved extreme poverty since 2004, thanks in part to cash transfer programmes that had benefited 14 million families and helped to lift 8 million children out of poverty. In October 2016 the Government had launched a new early childhood programme, backed by a proposed investment of \$100 million, to provide 750,000 children aged 6 and under with proper nutrition, health care and education.

42. Brazil had achieved Target 3.A of the Millennium Development Goals — eliminating gender disparity at all levels of education — ahead of schedule. It was essential to teach children about gender equality and provide comprehensive sex education, with a view to promoting a lasting culture of tolerance and

non-discrimination. In addition, the Government had established a programme to combat sexual violence against children and was working towards the full implementation of the national ban on corporal punishment.

43. Supporting the call for a global study on children deprived of liberty, he said that such a study would shed light on the number of children held in detention and help Governments to adopt best practices. Of particular concern were the rights of migrant children. Advisory Opinion OC-21/14 of the Inter-American Court of Human Rights, which had been issued in response to a request from the Southern Common Market, was an invaluable normative framework that should be taken into account by the global study.

44. **Ms. Mwangi** (Kenya) said that Kenya had made significant progress in advancing the rights of children with the introduction of free and inclusive primary education, free school meals, bursary schemes and cash transfers for vulnerable children. Such initiatives had increased enrolment rates, improved gender parity and helped to ensure that vulnerable children and children with disabilities could get a basic education.

45. The Government was committed to providing high-quality antenatal, postnatal and paediatric health care. Nevertheless, the under-five child mortality rate remained unacceptably high, and advances made in combating HIV/AIDS and malaria over the previous decade risked being reversed if resources for the prevention of mother-to-child transmission were not sustained.

46. Kenya had made efforts to eliminate harmful cultural practices such as child, early and forced marriage and female genital mutilation by introducing laws criminalizing such practices and setting up a board to accelerate the implementation of the national plan of action on eliminating female genital mutilation. The country had also introduced policies and legislation aimed at eliminating child labour and was raising awareness of the issue at the community level through education programmes.

47. In order to improve the availability of data, which was vital for effectively addressing issues affecting children, the Government had begun work to record vital statistics for all Kenyans and for that purpose was

harnessing the power of information and communications technology.

48. **Ms. Stener** (Norway) said that the right to education, particularly for girls, was a core priority of the Government of Norway. Noting the importance of education for sustainable development, poverty eradication and gender equality, she said that uneducated girls were at greater risk of child trafficking, child labour, forced marriage, sexual exploitation and female genital mutilation. Attacks on schools in conflict zones were on the rise, making it increasingly difficult for children to enjoy their right to education, and she urged all Member States to sign the Safe Schools Declaration.

49. Female genital mutilation and child, early and forced marriage were harmful cultural practices that deprived girls of their childhood and prevented them from participating fully in society. In addition, girls subject to such practices were often at greater risk of sexual abuse and other forms of violence.

50. Norway was deeply concerned about the pervasiveness of violence against children and had prepared an escalation plan for combating violence against children that addressed how to prevent and detect violence and improve coordination between public entities. Norway also encouraged all countries to ban corporal punishment.

51. **Mr. Qassem Agha** (Syrian Arab Republic) said that for the past five and a half years, his country had been confronting a ferocious terrorist campaign by armed terrorist groups that were seeking to destroy the very social fabric of Syria and the intellectual and moral compass of an entire Syrian generation. Those terrorists had attacked and killed children in their schools, churches, mosques, playgrounds and homes, depriving them of their education and driving them to the high seas in search of refuge. Some children had fallen into the clutches of Turkish mafia gangs and had drowned in the Mediterranean, while others faced exclusion and humiliation in destination countries that still claimed to be paragons of human rights and social justice. Armed terrorist groups, which were supported by States in the Arab world, the region and beyond, continued to perpetrate the most brutal crimes against Syrian children, while also indoctrinating them with violent extremist ideas in order to create a new generation that glorified violence and terrorism.

52. The Syrian Arab Republic had sent hundreds of letters to the Security Council detailing how those terrorist groups continued, with the silent complicity of the international community, to abduct children and train and brainwash them in military camps before forcing them to carry arms and witness and even participate in heinous crimes, including beheadings and the stoning of women. On 7 July 2015, a letter had been sent to the President of the Security Council regarding a video recording released by Islamic State in Iraq and the Levant (ISIL) showing a mass execution of Syrian army soldiers that had been carried out by children who were no older than 14 years of age. Furthermore, on hundreds of occasions, the Syrian Arab Republic had provided the Office of the Special Representative of the Secretary-General for Children and Armed Conflict with reports and other materials regarding the recruitment of Syrian children into armed groups. Those materials had included a documentary film, broadcast by the United States television programme "Frontline" on 23 November 2015, which had documented gross violations of the human rights of Syrian children and their systematic recruitment by ISIL. The entire world was also aware of the beheading of the Palestinian refugee child Abdullah Isa in Handarat refugee camp near Aleppo by the so-called Nur al-Din al-Zanki terrorist group, which some Member States continued to claim was part of the so-called moderate opposition. Furthermore, according to Turkish media agencies, child rapes and the trafficking in babies and in children's organs also took place in the refugee camps. Children were also the victims of forced marriages and, in 2015, some 36 per cent of Syrian brides in the refugee camps in Jordan had been minors at the time of marriage.

53. The Member States shedding crocodile tears because children were dying in Aleppo were the same States that were helping to spill their blood. The Syrian delegation urged those States to acknowledge and take stock of the misery they had inflicted on children in so many countries around the world, including Viet Nam, Cambodia, Iraq, Libya and Yemen.

54. **Ms. Nescher** (Liechtenstein) said that according to UNICEF estimates, 28 million children had fled violence and insecurity, jeopardizing their right to health care, education, food and a carefree childhood. One of the key elements of the United Nations' efforts to ensure that all children could enjoy those

fundamental rights was the monitoring and reporting mechanism on grave violations against children in situations of armed conflict. Reiterating Liechtenstein's support for the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict, she said that any interference with that mandate seriously threatened the integrity of the monitoring and reporting mechanism.

55. In the ongoing conflicts in the Syrian Arab Republic and Yemen, schools and hospitals had been targeted by air raids, which was a gross violation of children's right to education and health care. According to the Office of the United Nations High Commissioner for Refugees, close to 40 per cent of Syrian children were no longer attending school. Only half of the world's refugee children attended primary school and the figure was even lower for secondary education. While mitigating the immediate suffering of children must be the top priority, the international community should also think beyond basic survival to education, which was vital for improving vulnerable children's prospects.

56. In 2015, over 100,000 unaccompanied minors had applied for asylum in Europe. Such children were particularly at risk of discrimination and exploitation, including prostitution and child labour. Recalling the New York Declaration for Refugees and Migrants adopted in September 2016, she urged all Member States to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

57. **Ms. Ibrahim** (Maldives) said that the Constitution of Maldives and other national legislation guaranteed the rights of all children, including children with disabilities. Maldives had undertaken extensive reforms to bring its domestic law into line with the provisions of the Convention on the Rights of the Child and other international norms and best practices.

58. The country had made considerable progress in reducing child mortality, improving maternal health, combating HIV/AIDS, malaria and other communicable diseases, and ensuring universal health insurance. In addition, education was free for all children.

59. It was estimated that at least half of the world's children had endured some form of violence in 2015 alone. Maldives had taken a number of measures to end violence against children, including the enactment of legislation criminalizing all forms of child exploitation and giving victims greater procedural rights. For instance, the Domestic Violence Act allowed children to apply for protection orders. To ensure that such laws were translated into action on the ground, the Government had worked with law enforcement and social protection agencies to create effective reporting mechanisms, carry out awareness-raising campaigns and establish a free helpline where children could report abuse. Lastly, bullying, including cyberbullying, was a growing concern and the Government was developing a comprehensive legal framework on cybersecurity to address the issue.

60. **Mr. Wickramarachchige** (Sri Lanka) said that the purpose of the National Child Protection Policy introduced in 2013 was to elevate Sri Lanka's child protection standards to the level defined in the Convention on the Rights of the Child. The National Child Protection Authority was striving to prevent early marriages and statutory rape, which were a main theme of the recent annual national Girl Child Day.

61. Sri Lanka was one of the few countries worldwide to outlaw school bullying, and School Child Protection Committees sought to create a safer school environment. The Government had also taken measures to safeguard children of migrant workers, the most socially vulnerable group, and had amended criminal law governing crimes committed by children.

62. **Mr. Nuno** (Spain) said that Spain had implemented most recommendations of the Committee on the Rights of the Child. Two legislative reforms in the preceding year had considerably improved the Spanish education system and child protection mechanisms with measures raising the minimum age of consent for sex or marriage, developing the best interests of the child as a principle in the Spanish legal system, and introducing harsher laws to punish child abuse and exploitation.

63. Information from a joint infancy data project between the Spanish Government and UNICEF had been published online in September 2015 to guide public policy and evaluate progress. A non-legislative standing committee on the rights of minors had been

created in March 2016 to ensure that all political, legislative, planning, budgetary and other measures were in the best interests of children and complied with national and international laws on child rights.

64. **Mr. Zulu** (Zambia) said that the Government was drafting the Children's Code Bill to domesticate international children's rights instruments ratified by Zambia. Its National Child Policy had been reviewed in 2015 and, once fully implemented, would improve children's access to essential services such as education, health, water, sanitation and shelter, and increase ministerial accountability with regard to child rights and welfare.

65. Zambia had introduced a free basic education policy, and a re-entry policy permitting pregnant students to continue their education after they had given birth. The Government had also adopted a five-year strategy in April 2016 aimed at reducing early and forced marriages involving children by 40 per cent, with a view to eliminating such marriages by 2030.

66. **Archbishop Auza** (Observer for the Holy See) said that encouraging improvements in child health and mortality contrasted with the fact that millions of children were dying every year from preventable causes, were living with HIV, or had no official record of their existence. Furthermore, one third of women worldwide aged 20 to 24 had been child brides, and a girl died every ten minutes as a result of violence.

67. Refugee and migrant children were exposed to many dangers including trafficking, exploitation, drowning, hunger, thirst, and exposure to extreme weather. They were entitled to protection under the Convention on the Rights of the Child. Millions more children were trapped in situations of conflict, extreme poverty or environmental vulnerability. The primary driver of mass displacements of populations was wars and conflicts, and it was within our power and responsibility to address such root causes.

68. **Ms. Cid Carreño** (Chile) said that the National Policy for Children and Adolescents 2015-2025 would prepare for the full implementation of the Convention on the Rights of the Child, expand the focus of related policies to encompass the protection of children and safeguarding of their rights, and systemically address the social, environmental and cultural conditions of children. An institutional system for guaranteeing

rights and guiding public policies would be installed gradually as a focal point coordinating all ministries and public services.

69. In September 2015, a bill to improve comprehensive protection of children's rights began the legislative process. The main thrust of the draft law was equality and non-discrimination, protection of children from all forms of violence, promotion of due process and professional specialization in child protection, and restriction of child detention to exceptional cases. The Government was also co-organizing an international conference on crime prevention and the rehabilitation of young persons in conflict with the law in November 2016.

70. **Ms. Sonjai and Mr. Rujanant** (Thailand), speaking as youth delegates and presenting a joint statement, said that all children born in Thailand were entitled to birth registration as a measure to prevent statelessness, and all children in Thailand were entitled to 12 years of free education regardless of nationality or legal status. In 2015, the Thai Government had launched a scheme to support early childhood development by providing a monthly cash allowance to parents of children up to the age of three living in impoverished households, and a national plan to eliminate the worst forms of child labour by training law enforcement in the necessary awareness and tools.

71. Thailand had recently adopted a national master plan for prevention of and response to violence against children for the period 2015 to 2021, which sought to provide a comprehensive national and regional implementation framework for stakeholders. Children and Youth Councils at national, provincial and district levels empowered millions of children in Thailand to participate meaningfully in decisions that affected them.

72. **Ms. Tan Wee Zi** (Singapore) said that, as a country with no natural resources, people were its only resource. Protecting, educating and nurturing children were therefore high priorities. Singapore had one of the lowest child mortality rates, and came first in the OECD global school rankings of 76 countries. The Government had implemented measures to raise standards in the early childhood sector and ensure that childcare and pre-school services remained affordable and accessible for all.

73. In 2016, Singapore had introduced a pilot system to improve support for low-income families with children aged six and under. To increase parents' awareness of the effect of divorce on children and mitigate its impact, the Government had amended its legislation in February 2016 to require divorcing couples with minor children to attend a mandatory parenting programme if unable to agree on all matters relating to their divorce.

74. **Ms. Halevi** (Israel) said that children in Israel received state-funded education from the age of 3 to 18, or 21 for those with special needs. All children were entitled to afterschool day care, health care, extracurricular classes and a hot meal programme regardless of socioeconomic status, giving everyone equal opportunity to become an active and contributing member of society.

75. The Government had partnered with civil society organizations to establish mixed schools for Jewish and Arab children, and the President had introduced an educational programme focusing on tolerance, co-existence and freedom of religion for Jews, Muslims and Arabs, religious or secular.

76. **Mr. Canay** (Turkey) said that children were afforded special protection under the 2010 Constitution. Turkey's national child rights strategy and action plan for 2013-2017 aimed to improve children's living standards by identifying targets in the areas of health, education and social inclusion and to provide adequate protective and preventive measures. Turkey was in the process of ratifying the Optional Protocol on a communications procedure and was a party to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the Convention on Contact concerning Children. Turkey prioritized closing the gender gap in education and other areas, and had co-hosted with Canada and Peru an annual celebratory event to mark the International Day of the Girl Child.

77. Turkey assisted children in various emergency, conflict and post-conflict situations through its comprehensive humanitarian and development assistance programmes, including projects carried out in Afghanistan and parts of Africa focusing on education and health services. With the changing nature of conflicts, the international community must take concerted action to help children in situations of

armed conflict, who were subject to mass abduction, torture and sexual violence, as well as attacks in schools and hospitals. Protracted conflicts had given rise to the largest humanitarian crisis since the Second World War, with an increasing influx of displaced populations causing even further difficulties for vulnerable groups, including children. The World Humanitarian Summit held in Istanbul in May 2016 and the September 2016 Summit for Refugees and Migrants had extensively addressed those issues.

78. Turkey provided refuge for over 3 million Syrian and Iraqi refugees and had also provided Syrians with temporary protection status and access to the Turkish health-care system. Over 170,000 Syrian babies had so far been born in the medical facilities in Turkey's temporary protection centres. Although it was doing its utmost to meet the growing needs of the child refugees, especially for education and health care, it had been unable to provide schools, classrooms and teachers for over half of the 960,000 school-age refugee children.

79. **Mr. Medan** (Croatia) said that United Nations actors should cooperate more effectively to deliver assistance to all children in peril, including children suffering from harmful practices, being systematically abused or fleeing conflict zones. The right to education was key to achieving sustainable development, stability and overall progress. In promoting education for all as a human right and as a basis for realizing other rights, Croatia had been one of the Champion Countries of the Global Education First Initiative.

80. It was particularly important that the Human Rights Council continue to convene an annual day of discussion on the rights of the child, while being able to hold thematic panels on the most pressing issues. Croatia's cooperation with UNICEF had resulted in a number of good practices that had attracted overseas interest, such as the Violence Free Schools project to reduce peer violence. The new UNICEF programme for Croatia focused on, inter alia, activities to prevent violence against children and their exclusion from society.

81. Given the unprecedented migration flows that had been unleashed by armed conflict and political instability, Croatia and UNICEF had organized a subregional conference in October 2016 on how to respond effectively to the needs of unaccompanied and separated children in south-eastern Europe. The main

objectives of the conference were to reflect the key challenges in responding to the needs of migrant children, to exchange innovative solutions and examples of good practices, and to develop recommendations for strengthening national protection systems in order to effectively address the issue.

82. **Ms. García Gutierrez** (Costa Rica) said that children, especially the poorest and most marginalized, were more vulnerable to poverty, social and economic inequalities and violence. Violence negatively impacted social and emotional development. Constant exposure to acts of violence could lead to patterns of abuse, exploitation and more violence, especially when access to quality basic social services for protection, recovery and reintegration were limited. Protecting children from violence must be a national priority as well as a global effort in order to bring about intergenerational, multiplying benefits and effects.

83. Thousands of children in armed conflicts continued to experience grave violations of their rights, with girls additionally affected by rape, sexual abuse and forced marriage. It was a matter of deep concern that, after their release, children recruited by armed groups were seen as security threats, detained and accused of having connections with those groups. Reintegration of those children should instead receive priority attention. Following the success of the "Children, Not Soldiers" campaign, it was hoped that there would be a significant reduction in the recruitment and use of children by national security forces. Greater efforts must be made to address the existing gaps in preventing such recruitment and use, and in apportioning responsibility for it. Attacks on educational and health centres not only violated the standards of international humanitarian law but were also grave violations of the rights of children to education and a healthy life. Those who attacked schools and hospitals should be prosecuted.

84. Among the people who had been forced to abandon their homes in search of security and new opportunities, children were the most vulnerable, particularly those who were unaccompanied or had been separated from their families. Working from the principles of solidarity and shared responsibility, countries of origin, transit and destination must take appropriate measures to reduce, as far as possible, the risks to children by providing access to protection,

health, education and psychological support. As a country of origin, transit and destination for migrants, many of whom were children, Costa Rica was implementing protocols designed to guarantee the rights of all children, regardless of their migration status. Bearing in mind the child's best interest, it gave priority to providing access to education and health-care services, and guaranteeing the right to family reunification.

85. **Ms. Al-Khater** (Qatar) said that Sustainable Development Goal 16.2, which called on the international community to end all abuse, exploitation, trafficking and all forms of violence against children, was far from being realized. In her report, contained in document (A/71/205), the Special Representative of the Secretary-General for Children and Armed Conflict had noted the persistent violations of the rights of children in many parts of the world as a result of armed conflict, including in Syria, where children were killed, denied their fundamental rights to education, health care and security, suffered mistreatment and abuse, and were forcibly displaced from their homes. It was particularly alarming that more than half of the world's 21.3 million refugees were under 18 years of age. Qatar also noted with concern that, according to the report of the Special Representative on violence against children, contained in document (A/71/206), at least half of the world's children had endured some form of violence in the previous year.

86. Qatar was committed to protecting and promoting the rights of child within the country, its region and beyond and, with a view to safeguarding children from the devastating effects of armed conflict, was continuing to strive to provide safe and secure environments for children in conflict zones in which they could enjoy their fundamental right to education. To that end, Qatar had launched a number of initiatives in areas affected by conflict and war, including the QUEST initiative, which provided education and training to Syrian refugees, and the Educate a Child programme, which aimed to provide a primary-level education to at least 10 million of the world's poorest children, including, in particular, children in conflict zones, by the end of 2016. Qatar had also helped to convene the High-level Thematic Conversation on Children and Youth affected by Violent Extremism, which had been hosted by the President of the General Assembly in June 2016.

87. At the national level, Qatar would continue to comply fully with its obligations under the Convention on the Rights of the Child and the Optional Protocols thereto. It had given priority consideration to children's rights in the Qatar National Vision 2030, and had established a number of institutions to strengthen respect for those rights, including the Shafallah Center for Persons with Disabilities, which provided education, rehabilitation, social and health services to children with special needs.

88. She urged the international community to redouble its efforts to resolve the world's ongoing armed conflicts, and to find just and appropriate solutions to the massive flows of refugees, and internally displaced persons that those conflicts had created. For its part, Qatar would continue its efforts to foster the creation of safe, peaceful and inclusive societies in which the rights of children were fully respected.

89. **Mr. Visonnavong** (Lao People's Democratic Republic) said that, in recent years, his Government had strengthened the legal framework for the protection of women and children from all forms of violence, including domestic violence, through the introduction of laws on juvenile criminal justice and violence against women and children. It had also developed a national action plan on the prevention and elimination of violence against children for the period 2014-2020. Additionally, the proportion of the budget allocated to children's health and education had been increased, a nutrition strategy had been adopted and vaccination campaigns had been carried out across the country. A pilot project aimed at promoting school attendance in rural and remote areas through the provision of free lunches had been successful and would be expanded to other areas of the country. Moreover, the third national report on implementation of the Convention on the Rights of the Child was being prepared.

90. There were still challenges to be overcome, particularly in rural and remote areas of the country, where poverty levels remained high and health-care services were insufficient. His Government would do its utmost to ensure that all children in the country were able to fully enjoy their rights. The support of development partners, international organizations and

United Nations development agencies would continue to be invaluable in that regard.

91. **Mr. Jelinski** (Canada) said that the growing number of child migrants was an emerging global priority that needed to be addressed. Canada was a member of the Global Partnership to End Violence against Children, and recognized the significant contribution of that initiative in mobilizing action and resources to prevent and respond to violence against children, including children on the move. Canada also continued to work closely with multilateral institutions and international platforms to counter all forms of violence against children and young people, including in situations of armed conflict.

92. Canada chaired the Group of Friends on Children and Armed Conflict, which in recent years had focused on the practical implementation of normative frameworks, especially with regard to bringing to account the perpetrators of violations or abuses against children. Moreover, in May 2016, Canada had pledged 600 million Canadian dollars in humanitarian and development assistance, including 1 million Canadian dollars to support the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. The funding would provide support and field guidance to child-protection practitioners on the monitoring, advocacy and development of action plans to enhance the protection of children affected by armed conflict.

93. **Mr. Al-Hussaini** (Iraq) said that his country believed that the protection and education of children were prerequisites for the creation of stable and peaceful societies. Iraq had therefore taken a number of steps to strengthen its compliance with relevant international instruments on the rights of children, including through the Child Welfare Authority, which brought together representatives from all relevant ministries under the stewardship of the Minister of Labour and Social Affairs to devise strategies for the protection of children, including in collaboration with the United Nations Assistance Mission for Iraq (UNAMI). The Authority had adopted frameworks for action on child labour, child marriage, school delinquency, children in conflict with the law, the sexual abuse of children, child victims of armed conflict, violence against children, children with special needs and the dangers posed to children by

mines. The Authority was also working with relevant governmental and civil society stakeholders to incorporate the Agenda 2030 goals and targets on children in its initiatives to promote children's health, education and gender equality, as well as its initiatives to strengthen accountability and oversight. Iraq was also taking action to ensure that children who had lost their homes could continue to live in dignity. In that regard, the Ministry of the Interior was striving to combat child homelessness by providing shelter to homeless families. Iraq was also endeavouring to provide those children with high-quality education and, through its education law, which provided for free and compulsory education for children, was striving to prevent children from dropping out of school to enter the labour market.

94. Terrorist gangs affiliated with ISIL had killed, mistreated and abused, and caused the forced displacement of thousands of children in areas under their control. Terrorist attacks in Iraq had had a horrendous impact on children's education and health and many children who were living in areas besieged by terrorist gangs were suffering from malnutrition. The situation was further exacerbated by rising poverty levels. Children were also being abducted and held in terrorist camps where they were brainwashed and trained to carry out further terrorist attacks.

95. Iraq urged the international community to strengthen its information and communications technology (ICT) oversight mechanisms so that it could more effectively combat criminal and terrorism-related ICT activity. The international community must also step up its collaboration with the International Criminal Police Organization (INTERPOL) to enhance efforts to track criminal and terrorist activity and the online recruitment of children. Iraq also called for the establishment of an international intelligence agency to further enhance the sharing of information on the activities and cross-border movements of terrorists.

96. Despite the many serious challenges it faced, Iraq was determined to comply with all its international obligations on the protection of children. In particular, it would continue to strive to prevent the recruitment of children by terrorist groups, and provide all possible support to children in areas liberated from ISIL control.

97. **Mr. Adeoye** (Nigeria) said that his country's President had prioritized a social development

programme targeting the recruitment of over 500,000 teachers in order to enhance the quality of education in public schools. In addition, following up on the 2015 national survey campaign to end violence against children, the Government had launched information and awareness-raising campaigns for parents, families and communities at all levels on protecting children from all forms of violence, abuse and exploitation. In order to address violence against children, the Government had also established a national joint task force for the prevention of child sexual abuse, and was implementing an act aiming to prevent and punish the perpetrators of child abuse.

98. Nigeria condemned the deplorable acts committed against Nigerian children, including the targeting of schools, by Boko Haram and other terrorist organizations. A number of students, particularly girls, had been transferred from high-risk areas to selected federal unity schools across Nigeria. The Government had also commenced the rehabilitation and reconstruction of damaged schools and communities in north-eastern Nigeria under the Safe Schools Initiative.

99. Substantive progress was being made through renewed cooperation and strategic counter-terrorism operations in securing the release of the Chibok school girls, twenty-one of whom had regained their freedom. The released girls were receiving psychosocial therapy and undergoing strategic reintegration and reorientation programmes to restore their mental and physical balance. All victims of Boko Haram should be able to reunite with their families and regain their dignity and trust in humanity. The Government regarded children involved in terrorist activities as victims rather than transgressors of the law.

100. **Ms. Alemayehu** (Ethiopia) said that, as over half of the Ethiopian population was under eighteen years of age, the rights of children continued to be a priority for her country's Government. As the Ethiopian Constitution guaranteed the rights enshrined in the Convention on the Rights of the Child, policy and legislative frameworks, as well as institutional mechanisms, had been established accordingly. The national child policy focused on development and growth, prevention and protection, and rehabilitation, care and support, which were critical to promote, protect and fulfil the rights of children nationwide. Administrative measures undertaken by the

Government in the social, economic judicial and other sectors had also benefited children.

101. In addition to having achieved Millennium Development Goal 4 on reducing child mortality and reducing the prevalence of early marriage, Ethiopia had combined the aims of the Sustainable Development Goals and the Addis Ababa Action Agenda in its second five-year growth and transformation plan for the period 2015-2020. The plan recognized that investing in children was critical to achieving inclusive, equitable and sustainable development.

The meeting rose at 6 p.m.



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Seventy-first session

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Held at Headquarters, New York, on Friday, 14 October 2016, at 10 a.m.

Chair: Ms. Mejía Vélez (Colombia)

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(a) Promotion and protection of the rights of children (*continued*)

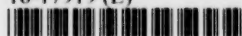
(b) Follow-up to the outcome of the special session on children (*continued*)

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The meeting was called to order at 10 a.m.

Agenda item 64: Promotion and protection of the rights of children (*continued*) (A/71/41)

(a) Promotion and protection of the rights of children (*continued*) (A/71/213 and A/71/253)

(b) Follow-up to the outcome of the special session on children (*continued*) (A/71/175)

1. **Ms. Mballa Eyenga** (Cameroon) said that the 2030 Agenda for Sustainable Development must be seen as an opportunity to improve the situation of many children around the world, particularly in Africa, and address persistent inequalities. States must invest wholeheartedly in a world fit for children.

2. On the basis that education was one of the cornerstones of the realization of children's rights, Cameroon had established free schooling for both boys and girls in rural and urban areas. In collaboration with the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), it was promoting inclusive education by ensuring that girls from disadvantaged groups received an education. Her Government was also involving traditional and religious leaders in its efforts to combat violence against women and girls and was implementing systematic vaccination programmes with support from the World Health Organization, civil society and the private sector. Greater access to pediatric treatment for HIV/AIDS was needed and children left orphaned or otherwise vulnerable by the disease needed greater protection.

3. With regard to the protection of children's rights, Cameroon was working to combat the recruitment of children by terrorist groups such as Boko Haram. It was also collaborating closely with several international organizations including UNICEF and the International Labour Organization (ILO) to implement the various legal instruments on children's rights. Cameroon greatly appreciated the support it had received from United Nations agencies, donors and non-governmental organizations (NGOs), which had enabled it to respond to the humanitarian crisis arising from the Boko Haram attacks and an influx of child refugees.

4. **Ms. Bruell-Melchior** (Monaco) said that, despite the efforts made to date, 70 million children would die

before their fifth birthday between 2016 and 2030. Universal health care, including antenatal, birth and neonatal assistance, was fundamental, as was good nutrition. Universal education could break the cycle of inequality, improve children's living conditions and help fight violent extremism and terrorism. The World Association of Children's Friends (AMADE), an NGO set up by Princess Grace in 1963, had made health and education its top priorities, as had the Government through its international cooperation policy.

5. Violence against children was an affront to human dignity that affected 1 billion children every year. Prior to the high-level forum on sustainable development in 2017, a Solutions Summit would be held on tackling violence against children. One useful instrument was the guide published by the International Organization of la Francophonie, which provided practical advice on supporting children called upon to give evidence in court.

6. **Ms. del Águila Castillo** (Guatemala) said that the Sustainable Development Goals, which included goals on the health and well-being of children and adolescents, had been the outcome of an inclusive process. It was vital to invest in childhood and ensure that children could participate as agents of change.

7. The El Niño and La Niña phenomena had had devastating effects in Guatemala year after year and had exacerbated the existing problems of drought and malnutrition for the most vulnerable segments of the population. Her country was very grateful to the United Nations funds and programmes for their support and assistance and had joined the Scaling up Nutrition initiative, which aimed to boost the commitment of Governments and local communities to the right to food and good nutrition.

8. Migration policies in the region must take account of the numbers of separated and unaccompanied children in the Northern Triangle, and must include provisions for children and adolescents, in particular for their reintegration if they returned to their country of origin. Migrant children needed specific support and Guatemala had pioneered the provision of specialized consular protection to minors in foreign countries. It was imperative that States find alternatives to the detention of children and adolescents that were in their best interests and permitted them to remain with their families.

9. Guatemala agreed that, while combating bullying was in the interests of all children, it was important to prioritize the most vulnerable when fighting stigmatization, discrimination and exclusion.

10. **Ms. Kupradze** (Georgia) said that States had a common responsibility to ensure that children's rights were upheld. Violence and discrimination against children had reached unprecedented levels, and the humanitarian tragedy unfolding in Syria was the most vivid demonstration of the gross violations to which children in armed conflict were subjected.

11. The Government of Georgia was particularly concerned with improving the living conditions of refugee children and children affected by internal displacement, which it addressed through assistance programmes and a comprehensive national strategy. However, it was unable to promote or protect the human rights of the children residing in the Abkhazia and Tskhinvali regions, which were being illegally occupied by Russia. Those children continued to be deprived of their fundamental rights and freedoms, including education in their native language and freedom of movement. Since local residents were not permitted to cross the occupation line, even for medical reasons, they were compelled to leave their permanent residence, thereby creating a new generation of internally displaced persons. Of even greater concern was the fact that none of the special mandate holders visiting Georgia over the past few years had been allowed to enter those regions to evaluate the situation on the ground.

12. Georgia was a party to the Convention on the Rights of the Child and had acceded to the Optional Protocol on a communications procedure in September 2016. The country's fourth periodic report to the Committee on the Rights of the Child was due to be examined in January 2017. Among other measures introduced by her Government, financial aid for children with disabilities had been increased; access to social care programmes had been broadened; the Juvenile Justice Code had been amended to better protect the interests of the child; forced marriage had been criminalized; and the trafficking of minors had been banned.

13. **Ms. Moutchou** (Morocco) said that Morocco had ratified all the instruments on children's rights, including the Convention on the Rights of the Child

and its Optional Protocols. The new constitution of 2011 had enshrined the rights of children and had established that the international conventions took precedence over national legislation.

14. As a result, a number of initiatives had been launched. On the legal front, the Government Council had adopted draft law 78-14 on the Advisory Council on the Family and Childhood. A programme had been put in place for the period 2012-2016 that placed special emphasis on childhood with regard to education, health and the reporting of violence. To address new forms of criminal activity that were emerging as a result of technological advances such as the Internet, her Government had developed partnerships with service providers to protect children against sexual exploitation, and had run campaigns to raise awareness of safe online practices among parents. Lastly, the unwavering commitment of Morocco to children's rights had been demonstrated by the creation of the Mohamed V Foundation for Solidarity and the National Observatory for the Rights of the Child.

15. **Ms. Romulus** (Haiti) said that the title of the UNICEF report, *The State of the World's Children 2016: A fair chance for every child*, brought home the magnitude of the task that lay ahead. In particular, it had drawn attention to the challenges of extreme poverty, such as high infant mortality rates. While great progress had been made, the number of children between ages 6 and 11 attending school had fallen since 2011, a problem that was exacerbated in areas affected by armed conflict. Convinced that education was the only way to achieve social progress and sustainable development, the President of Haiti intended to do everything in his power to establish universal education in the country.

16. Respect for children's rights was a priority for her Government, which was working tirelessly to address the specific problems faced by the most vulnerable Haitian children. The Ministry of Social Affairs and Labour had taken a number of measures to suppress offences against the physical and mental integrity of children, and the draft Children's Code had been adopted by the Council of Ministers. Significant progress had been made on the harmonization of Haitian legislation with the Convention on the Rights of the Child, in line with the recommendations made by the Committee on the Rights of the Child, and the

school enrolment rate had increased. All Member States must redouble their efforts to meet the health, nutritional and educational needs of children living in poverty.

17. **Mr. Al Muttairi** (Saudi Arabia) said that his country viewed the rights of children as particularly important and had adopted legislation to uphold those rights, in accordance with Islamic sharia, which, *inter alia*, safeguarded children's right to life even prior to their birth and prohibited abortion without compelling grounds. The rights of children were fully respected under the country's laws, and parents were legally required to ensure the well-being of their children, including by giving them appropriate names. Furthermore, in accordance with the Basic Law of Governance, the State took care of and fully protected all members of the family, which constituted the basic unit of Saudi society, and aspired to promote family bonds. A minimum age of employment had been established in the country and the worst forms of child labour had been prohibited. Saudi Arabia had also outlawed the sexual exploitation and abuse of children, and, in accordance with Islamic sharia, imposed appropriate penalties on the perpetrators of those crimes. A law criminalizing domestic abuse had also been adopted to protect all members of society, particularly children.

18. Saudi Arabia provided education to children through the school system, and ensured that they received instruction and guidance, including on the importance of ethical behaviour, through the media and at children's clubs and associations. Saudi Arabia also deeply appreciated the work of, and was strengthening its cooperation with, international and national governmental and non-governmental organizations working to promote and strengthen the rights of children.

19. His country would continue to comply with all its obligations under the Convention on the Rights of the Child, while maintaining its reservations with respect to all articles of that Convention that contravened the provisions of Islamic sharia.

20. The horrific image of the injured Syrian child Omran Daqneesh, who had been pulled from the rubble of his home after it had been bombed by the Syrian regime and its allies, had shocked the world and was a stark reminder of the ongoing bloodshed in Syria. The

world must take resolute and immediate action to end the suffering of the Syrian people and stop the atrocities perpetrated by the Syrian regime — a regime that continued to target defenceless civilians and which, according to the Syrian Network for Human Rights, had killed more 21,000 Syrian children.

21. **Mr. Joshi** (India) said that his delegation was concerned that official development assistance to the poorest countries had declined by 8 per cent between 2013 and 2014. India was home to the largest child population in the world and its constitution contained several provisions on child protection, welfare and development. Its National Policy for Children, adopted in 2013, took a rights-based approach.

22. Elementary education was a fundamental right in India, and his country had achieved full gender parity and full primary enrolment. Its flagship universal programme, the Integrated Child Development Services scheme, provided health-care services, immunization and preschool education to 37 million children aged 3 to 6 years. India was now polio free, and had recently overcome maternal neonatal tetanus.

23. The National Commission for Protection of Child Rights had been set up in 2007 with the aim of ending exploitation and violence against children. Action was also being taken to combat online child sexual exploitation, the Childline emergency outreach service was being expanded countrywide and an online tracking service was being used to collect data on missing children and facilitate their return. A comprehensive legislative and policy framework was in place to address the trafficking of women and children, while the Protection of Children from Sexual Offences Act had come into force in 2012. The Government of India was also strictly enforcing the ban on the employment of children. A number of programmes were addressing the declining child sex ratio and pursuing the empowerment of women.

24. **Ms. Elhassan** (Sudan) said that the protection of the rights of children was a top priority for her country. Sudan had ratified the Convention on the Rights of the Child and the two Optional Protocols thereto, the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Sudan also strongly supported the Children, Not Soldiers campaign, which had been launched

jointly by the Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF.

25. Domestic legislation prohibited the recruitment of children under the age of 18 by the armed forces, police and security services, while the 2010 child protection law had established an integrated system of juvenile and restorative justice, and specialized juvenile justice prosecutors dealt with cases involving minors in conflict with the law. Sudan had also enacted legislation to combat human trafficking, particularly the trafficking of women and children, and, in October 2014, had hosted an international conference on human trafficking and smuggling in the Horn of Africa.

26. Sudan had established child protection units in the armed forces as well as family and child protection units in the Ministry of the Interior. Her Government had also established the National Council for Child Welfare, and appointed a prosecutor to investigate accusations of human rights violations, especially against children, in Darfur. A fact-finding commission was also investigating the abduction of children and their use as soldiers in Southern Kordofan and Blue Nile states. On a more general level, in 2013, his Government had launched a 10-year national action plan for the protection of human rights in Sudan.

27. Technical and high-level meeting were being held to spearhead implementation of the action plan on the protection of all children in conflict, which had been signed by the Government of Sudan and the United Nations on 27 March 2016. In that regard, Sudan had recently released 21 child combatants who had fought with insurgents in battles in Fanga and Goz Dango, and would take steps to rehabilitate them so that they could be reunited with their families. The Government of Sudan would, moreover, continue to work closely with UNICEF and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to promote the interests of all children in the country.

28. In closing, she stressed the need to help countries to put an end to conflicts. The international community must also help countries to address the underlying reasons why children dropped out of school and were used as soldiers; critical factors in that regard included poverty, climate change, developing countries' sovereign debts and the imposition on certain Member States of unilateral sanctions. Developing countries

also needed technical and capacity building assistance in order to uphold the rights of children effectively. Robust mechanisms were, moreover, needed to ensure that insurgent groups adhered to the agreements they had signed on the prohibition of the use of children as soldiers, and desisted from further violations of children's rights. Any violations must be forcibly condemned by the international community, which must also take firm action to disarm those groups and ensure their participation in peace negotiations.

29. **Ms. Karabaeva** (Kyrgyzstan) said that the protection of the rights and best interests of the child was a fundamental value in her country's path to development. Her Government had adopted a number of long-term programmes and plans of action on schooling, juvenile crime and violence against children, mostly focused on raising public awareness, including within schools. It was also implementing a programme for an efficient and fair justice system for child offenders, witnesses and victims, focused on children in vulnerable situations. Some 60 centres provided disadvantaged children and families with free legal aid, social and recovery services and assistance for their reintegration into society, while a helpline for counselling and legal advice had been established in 2015.

30. Protection of childhood, the family and motherhood was the most important pillar of Kyrgyzstan's national policy. According to the State of the World's Children 2016 reports of UNICEF, extreme poverty in Kyrgyzstan had decreased from 7 to 2 per cent between 2010 and 2014; infant mortality had plummeted from 49 to 21 deaths per 1,000 live births between 2000 and 2014; all children had access to schooling; and over 90 per cent of children had access to drinking water and sanitation. In May 2016, Kyrgyzstan had hosted an international conference on children with disabilities and later that year it would hold an international forum on diet and food security. Efforts were currently being made to improve the quality of drinking water as part of the Scaling Up Nutrition Movement of the World Food Programme.

31. **Ms. Gebremedhin** (Eritrea) said that Eritrean customary laws accorded protection for all children even before birth. Eritrea had ratified the Convention on the Rights of the Child and had appointed a national interministerial committee to monitor its implementation.

The newly published legal codes criminalized the use of corporal punishment. Children under the age of 12 could not be prosecuted, while those between the ages of 12 and 18 were considered juvenile offenders.

32. Countrywide sensitization programmes were being conducted to support vulnerable children or provide training and advocacy to youth and adolescents. A pilot project to reintegrate street children in the education system had recently been launched. A proclamation prohibited the employment of children under the age of 14 and a national plan of action against the sexual exploitation of children had been adopted. An awareness campaign was under way to combat trafficking in children and the Government was working to bring the perpetrators to justice. The focus in the health sector was on care during pregnancy and childbirth, post-delivery and neonatal care and nutrition. Malaria had been reduced by 90 per cent and polio and neonatal tetanus had been eradicated. Immunization coverage of children had increased to over 90 per cent.

33. Free schooling was provided to all children from elementary to higher levels. As a multi-ethnic society, Eritrea provided for the instruction of children in their mother tongue at the primary level. Special attention was given to girls, nomadic communities and children with disabilities. The practice of female genital mutilation had been criminalized but further work was needed to eliminate the strongly rooted cultural and religious beliefs associated with it.

34. **Ms. Soulama** (Burkina Faso) said that, despite rapid population expansion, coupled with weak economic and social indicators, her country had made significant legislative, social and educational advances. Three pieces of legislation had recently been adopted to prohibit the sale or prostitution of children and child pornography; to protect children either in conflict with the law or at risk; and to prevent and eradicate violence against girls and women and provide redress and support for the victims. The gross enrolment rate in primary schools for girls had risen to 83.9 per cent in 2014/15 compared with 83.6 per cent for boys. Awareness campaigns to promote protection of child victims of abuse and exploitation had been launched and reporting methods established, together with stiffer penalties for perpetrators. Projects to eradicate child and early marriage had yielded satisfactory results,

while the prevalence of female genital mutilation among girls under age 15 had fallen from 36 per cent in 1996 to 11 per cent in 2015.

35. Further efforts would be needed to overcome barriers and consolidate existing advances. The Government of Burkina Faso urged the international community to continue to provide assistance to enable his country to effectively safeguard the rights of the child.

36. **Ms. Guzmán** (Dominican Republic), drawing attention to various programmes geared to the well-being of children and adolescents, including early childhood education and care for persons with disabilities, said that her Government provided for the temporary protection of all vulnerable or at-risk children and all those suffering flagrant violations of their rights. With support from the Special Representative of the Secretary-General on Violence against Children and UNICEF, the Dominican Republic was following a road map for the prevention and elimination of violence against children, building synergies between the relevant parties and avoiding leaving any children behind. The road map was part of a plan promoted by the Office of the President for preventing violence.

37. A campaign was being conducted jointly with civil society, government agencies, municipal authorities and other interested parties to promote positive parenting, raise awareness of the problem of violence and provide training for parents, teachers and community leaders. Inspired by the principles enshrined in the Convention on the Rights of the Child, her country would continue to expand its services to children and invest in upholding their rights with a view to realizing "the future we want".

38. **Ms. Maduhu** (United Republic of Tanzania) said that the Government of Tanzania had ratified the Convention on the Rights of the Child and its Optional Protocols, as well as the African Charter on the Rights and Welfare of the Child, and was committed to their effective implementation. To that end, it had adopted the Law of the Child Act of 2009, for Mainland Tanzania and the Children's Act, 2011, for Zanzibar. A new national plan for the period 2016-2021 addressed violence against women and children and sought to promote a unified national protection system in line with the 2030 Agenda. The 2009 Act was currently

being translated into Kiswahili and would be disseminated to communities. A Child Helpline had been set up to receive reports of abuse and a high-level national task force on street children was being coordinated.

39. Convinced that education was not only a good investment in the nation's future but would also reduce the prevalence of early marriages, the Government had instructed public schools to provide free primary and secondary education to all children. The Child Marriage-Free Zone campaign had been launched in August 2014 as part of a series of initiatives to combat the early marriage of young girls. Her Government had also signed the Kigali Declaration, which set out a framework for action to end such marriages. The Government had the primary responsibility for the well-being of its people; however, it relied on the continued support of the international community to achieve the universal standards that had been established.

40. **Mr. Eriza** (Republic of Indonesia) said that all countries had a moral obligation to promote and protect the rights of the child. Notwithstanding the work of all stakeholders, many children were still deprived of their liberty, trapped in armed conflicts or caught up in emergency situations. Since its ratification of the Convention on the Rights of the Child in 1990, Indonesia had improved its legal framework, strengthened its institutional capacity and put in place an implementation mechanism. Under the National Action Plan on Child Protection 2015-2019 and the National Strategy on the Elimination of Violence against Children 2016-2020, public advocacy and outreach were being increased to promote the rights of the child, while measures to prevent and eliminate discrimination and bullying, including cyberbullying, were being intensified.

41. As a founder of the Global Partnership to End Violence against Children, Indonesia believed that a holistic approach to the issue was needed and should combine a sound legal framework with practicable measures and effective law enforcement. The primary responsibility for nurturing and protecting children lay with the family and it was imperative for the Government to implement family-friendly policies.

42. With 25 per cent of the national budget allocated to health and education, Indonesian children benefited

from 12 years of free, compulsory schooling and their basic health and nutritional needs were met. Indonesia had achieved gender equality in primary education and illiteracy rates had fallen to 4.5 per cent in 2015. Recognizing the need for an environment conducive to the respect, promotion and protection of children's rights, the Government had consistently promoted child-friendly communities and cities.

43. **Ms. Steinarsdóttir** (Iceland), recalling that more than half of the world's 21 million refugees were children, said that all displaced children — whether as a result of conflict, persecution or poverty — were first and foremost children. The rights asserted in the Convention on the Rights of the Child applied to every child, irrespective of status. Iceland was committed to protecting and promoting children's rights at home and abroad and would continue supporting multilateral efforts to advance that cause. UNICEF had been a key institution in her country's multilateral development cooperation agenda and the parameters of that collaboration had recently been codified in a new framework agreement.

44. The Convention had been fully integrated into Icelandic law, resulting in a critical improvement in the legal status of children. States should look beyond the legislative realm and integrate the treaty into public policy, in particular at the municipal level. UNICEF was working with Icelandic schools on adopting a model for implementing the Convention in their everyday work.

45. Iceland was a co-sponsor of the resolution on child, early and forced marriage. The fact that every single day, almost 40,000 girls were subjected to that practice was a stain on the global community. The millions of girls already affected must be empowered through quality education, including comprehensive sexuality education, and must receive the sexual and reproductive health-care services that they needed.

46. **Ms. Nunoshiba** (Japan) said that Japan placed emphasis on international cooperation in the field of education and, particularly, on education for girls. It had assisted in building middle schools for girls in Tanzania, where early marriage and pregnancy often prevented them from completing their education, and in setting up girls' dormitories in Nepal and Malawi to improve completion rate of female students in middle and high schools. The release of more than 115,000

child soldiers through the good offices of the Special Representative of the Secretary-General for Children and Armed Conflict was a welcome achievement but the international community should continue to work tirelessly in that area. Japan funded the UNICEF programme that supported the release and reintegration of children from armed groups in African countries and had contributed \$6 million over the three previous years for the reintegration of child soldiers and for the protection and empowerment of children in armed conflict throughout Africa, the Middle East and Asia.

47. In her country, children living in relative poverty, the condition of living on less than half of the average income of society, received educational support, while their guardians were given assistance in finding suitable jobs. Families in need, in particular single-parent households and those with many children, benefited from administrative services tailored to their circumstances. Recognizing the importance of stable employment, the Government provided comprehensive support in the area of employment and childcare. Japan would spare no effort in continuing to promote children's rights through cooperation with other States and civil society.

48. **Ms. Dagher** (Lebanon) said that armed conflicts and terrorism had left millions of children hungry, homeless or mired in poverty. They had been internally displaced or had become refugees, and while hundreds had drowned in the Mediterranean, many of those children continued to hold fast to their dreams of a better future. Since the previous session of the General Assembly, many promises had been made and there was universal acknowledgement that stronger cooperation and urgent action by the international community were needed to save an entire generation of children and strengthen respect for their rights. Under the slogan "no one left behind", numerous international initiatives had been launched in the previous 12 months, including in the areas of climate change, humanitarian operations, education, migration and asylum, and the protection of civilians in armed conflict. The General Assembly and Security Council had also adopted numerous resolutions with a view to creating a "world fit for children", as called for in the outcome document of the 2002 Special Session of the General Assembly on Children. Lebanon had participated in all those international initiatives and believed that upholding the rights of children was an

essential prerequisite for the creation of pluralistic and open societies that were based on respect, justice, equality and the rule of law.

49. Lebanon was committed to upholding the Charter of the United Nations and the Universal Declaration of Human Rights. It had ratified the Convention the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Trafficking in Persons Protocol. Lebanon had also promulgated legislation to uphold the rights of children, including laws and decrees on education, child labour, social security, health, disability and juvenile justice, and was working with specialized agencies and international and civil society organizations to formulate policies to protect and improve the living conditions of all children living in Lebanon.

50. Education could play a key role in strengthening and safeguarding the rights of children and empowering them to reject extremist views and resist recruitment by extremist groups. Educational initiatives could, moreover, help counter violence, human trafficking, child marriage, discrimination, intolerance, xenophobia and bullying. It was therefore regrettable that less than 12 per cent of global humanitarian assistance was earmarked for educational projects. It was vital to increase that figure in order to give thousands, if not millions, of children and adolescents the chance of a better life. Education lay at the heart of Lebanon's policies to address the humanitarian crisis that had resulted from the entry into the country of 1.5 million Palestinian and Syrian refugees, half of whom were under 18 years of age.

51. **Ms. Salazar** (Panama) said that, among the huge waves of migrants entering Panama, many were children fleeing their countries in search of a better future. Whether alone or accompanied, many were victims of human rights violations, including abuse, human trafficking, sexual exploitation and forced labour. A multidisciplinary committee set up by the Government under the National Secretariat for Children, Adolescents and Family was assisting communities. Shelters had been set up for over 1,000 migrants of various nationalities. The committee sought to implement policies for the comprehensive

protection of the rights of children and adolescents, and to guarantee respect for their rights as child migrants.

52. Investing in quality education to halt the intergenerational transmission of extreme poverty and in health care to reduce neonatal mortality and provide universal health coverage was crucial for improving the future of each child. Panama was committed to ensuring a better future for the coming generations and was striving to implement policies and strategies to cater for the needs of the most vulnerable, such as children with disabilities, indigenous children and those of African descent. Also of concern was the problem of bullying and cyberbullying, which could impact children both physically and psychologically. The Ministry of Education, in conjunction with the Office of the Ombudsman, UNICEF and the private sector, had launched a programme entitled "Safety in school — No to bullying", its purpose being to foster peace and a positive and harmonious school environment, free from harassment or violence. Schools also had psychoeducational services to deal with bullying.

53. **Ms. Myat** (Myanmar) said that her country had become party to the Convention on the Rights of the Child in 1991 and to its Optional Protocol on the sale of children, child prostitution and child pornography in 2012, and was in the process of becoming party to the Optional Protocol on the involvement of children in armed conflict. After a new law on children was approved by the parliament, the ratification of the Protocol could be finalized.

54. As peace and national reconciliation were prerequisites for the successful implementation of development policies and programmes such as the 2030 Agenda, the Government of Myanmar was working toward those goals. Children, particularly in conflict areas, who did not have access to education were vulnerable to violence and exploitation. In order to address that issue, free and compulsory primary and secondary education had been introduced beginning in the 2016-2017 academic year. Children were taught about human rights in school.

55. Myanmar had been cooperating closely with relevant United Nations organizations for the promotion and protection of the rights of children. It had also made efforts to prevent the exploitation of

child labour by ratifying International Labour Organization (ILO) Convention No. 182 on elimination of the worst forms of child labour.

56. To prevent and eliminate underage recruitment and use of children by the military, in June 2012, the Government of Myanmar had signed a joint action plan with the United Nations country task force on monitoring and reporting on the use of children in the military. In cooperation with the country task force, the government had taken important steps including centralization of the recruitment process, discharge of children from the military, allowing of visits to military units and advocacy campaigns. Since the signing of the joint action plan, 810 underage children had been discharged from the military and support and assistance, such as education, vocational training and community reintegration were being provided. In light of those achievements, Myanmar should be delisted from the report of the Secretary-General on children and armed conflict.

57. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that his delegation expressed its strong dismay that the interests of children had been compromised in the 2016 Report of the Secretary-General on children and armed conflict due to unjustified political pressure. An arms embargo on Governments that engaged in mass killing of children was the least that the United Nations could advocate.

58. As recognized by the Convention on the Rights of the Child, children required a family environment and an atmosphere of happiness, love and understanding in order to flourish. Families should therefore be afforded the necessary protection and assistance so that they could meet their responsibilities.

59. Almost half a million refugee children, 100,000 of whom were undocumented, were attending schools in Iran free of charge. Donors had apparently failed to meet their commitments to those children, resulting in an enormous burden on the educational system. The Government was committed to improving that situation by creating a supporting legal framework and by promoting public awareness of children's rights at every level of decision-making, from parliament to civil society. Similarly, the national focal point for the implementation of the Convention was expanding and would eventually be present in all provinces of Iran.

60. **Ms. Pires** (Timor-Leste) said that in 2015, her country had approved the 2030 Agenda for Sustainable Development, acknowledging the dignity of children and their right to live free from fear and violence. There was deep concern over bullying in Timorese schools, particular cyberbullying.

61. Despite the complex nature of modern conflicts, it was imperative to protect children and to work to minimize the impacts such conflicts had on them. Timor-Leste urged parties to armed conflict to respect and protect children's rights and refrain from recruiting child soldiers. Efforts must also be made to provide child soldiers with the necessary assistance for reintegration.

62. Over 50 per cent of the population of Timor-Leste was under 19 years of age, and hence it was important to focus on education and technical and professional training for youths. To that end, Timor-Leste was committed to ensuring access to education for all children, particularly those with disabilities and girls, and national legislation had been enacted to support the reintegration of teenage mothers in the school system. Other child-centred strategies undertaken in the country included health programmes focusing on antenatal care, which had led to a sharp decline in child mortality rates in recent years.

63. **Ms. Jeewon Park** (Republic of Korea) said that a comprehensive and coordinated approach was necessary for promoting the rights of children. Providing security, nutrition, health care and quality education to all children, including those living in conditions of armed conflict, was a complex task that required efforts from actors both within and outside the United Nations system. In that regard, the Republic of Korea welcomed efforts that were being made by United Nations agencies to strengthen collaboration with civil society organizations.

64. Education should be expanded to include the most vulnerable and marginalized. Millions children did not have access to quality education and were thus at risk of further marginalization. In addition, access to education was important for entire communities, as it was necessary for a sustainable and inclusive society based on human rights, equality, rule of law and respect for diversity. Her Government would therefore continue to highlight education as a tool for individual empowerment and social development.

65. Although the international community had made progress in advancing gender equality, girls were more susceptible to discrimination and various forms of violence, as could be seen in the higher school attrition rates among girls. More efforts should be devoted to protecting girls and helping them realize their potential, and to that end, in 2015 the Government had launched the "Better Life for Girls" initiative and would provide \$200 million over the next five years to support girls' health, education and vocational development.

66. **Ms. Al Jawdar** (Bahrain) said that her country had acceded to international instruments on the rights of children, including the Convention on the Rights of the Child, which had been ratified by Bahrain in 1992. It had also entered into memorandums of understanding on children's rights with international organizations such as UNICEF and had launched a national strategy on children which would act as a road map for the implementation of legislation on children's rights. In the area of health care, Bahrain had successfully lowered maternal and child mortality rates. The Government also provided routine vaccinations for almost all children.

67. The Child Protection Centre reported to the Ministry of Social Development and worked to protect children from all forms of abuse and neglect. The Centre provided services related to the evaluation, investigation, treatment and follow-up of those children through coordination with various Government and civil service agencies. The Centre received reports of child abuse as well as reports transferred by officials in various ministries and the Office of the Public Prosecutor.

68. Bahrain had also supported charitable projects outside the Kingdom, particularly in countries affected by war and disasters. Bahrain's Royal Charity Organization had given aid to needy children and orphans inside the country and abroad, providing schools for Syrian refugee children in Jordan and providing assistance in Yemen, Djibouti and Nepal.

69. **Mr. Mohammad** (Kuwait) said that the constitution of Kuwait stipulated that the family was the basis of society and was founded on religion, morality and patriotism. It also stipulated that the State would cater for the welfare of its young people and protect them from exploitation and moral, physical and

spiritual neglect. In order to promote those constitutionally-enshrined principles, and in addition to its international obligations as contained in instruments such as the Convention on the Rights of the Child and its optional protocols, Kuwait had enacted domestic legislation concerning the family and children. In 2015, Kuwait had enacted a law establishing a family court, which contained a number of articles on how family disputes should be addressed so as to minimize impact on children. Another law, on the rights of the child, was a comprehensive piece of legislation that gave children the right to a cohesive family environment, as well as the rights to education and health.

70. It was not possible to discuss children's issues without mentioning the suffering of Palestinian children in Israeli-occupied territory. Kuwait was worried about deteriorating living conditions and exacerbated feelings of alienation, despair and deprivation among Palestinian children as a result of the occupation. In furtherance of its support for the rights of the Palestinian people, Kuwait would be hosting a conference on the suffering of Palestinian children.

71. **Ms. Natividad** (Philippines) said that her country recognized its duty to provide a safe environment for children's development free from violence, exploitation and abuse. Since children's right to education was of paramount importance, a substantial portion of the Philippines' national budget for 2017 would be reserved for education in an effort to improve access to schools and increase graduation rates. The 2017 budget had also allocated additional funding for the conditional cash transfer programme, whose objective was to keep children from poor families in school and healthy. Children should also enjoy their time in school, and to that end, the Philippines had passed an anti-bullying law which required all elementary and secondary schools to address bullying by establishing reporting requirements and outlining sanctions.

72. The Government had created inter-agency committees and councils to oversee implementation of laws to protect children from sale, child prostitution and pornography. Mechanisms, such as a protocol regarding case management of child victims of abuse and exploitation, had been developed to address issues

related to the investigation and prosecution of child abuse cases and the Government, in cooperation with national and foreign police, had stepped up its efforts to curb commercial sexual exploitation of children.

73. The Council for the Welfare of Children continued to implement the monitoring and reporting mechanism for Grave Child Rights Violations. Local governments had participated in a series of workshops on the mechanism to learn how to respond to grave child rights violations, and in April 2016, a hotline had been set up to receive reports of grave child rights violations.

74. **Mr. Nibishaka** (Rwanda) said that children represented a large percentage of the Rwandan population as a result of the horrific genocide that had taken place in the country in 1994. The repercussions of that massacre had affected the lives of Rwanda's children in various ways, compelling the Government to take certain measures to prioritize children's rights. For example, primary and secondary education were free and compulsory and progress had been made in meeting primary school enrolment and parity goals. In line with the Convention, Rwanda had also introduced measures to prohibit corporal punishment, and had passed laws protecting women and children against violence.

75. Rwandan law condemned child prostitution, slavery and abduction, and the Government had recently instituted a national anti-trafficking action plan. Given the volatile situation in the region and porous borders that facilitated human trafficking, Rwanda continued to investigate, prosecute and convict traffickers. The Government also provided protective services, including counselling, medical and legal services and short-term housing for trafficking victims.

76. The character and tactics of armed conflict had created new threats to children, and therefore, the international community should continue to establish comprehensive frameworks to protect children in such situations. The Children, Not Soldiers campaign was a positive development in that regard, as was the signing of action plans by some listed State and non-State parties. Nevertheless, greater efforts should be made to address the root causes of those conflicts.

77. **Ms. Belhout** (Algeria) said that childhood should be incorporated into every development goal. Algeria, which had achieved all of the Millennium Development Goals related to education, had increased its education budget tenfold in the previous 15 years, with free education offered to over 8 million students, including to children in refugee camps in Tindouf. Significant achievements had been made in improving the efficiency of the Algeria education system and enabling all children to receive primary education. The Government had also recently enacted a child protection law containing provisions on the protection of at-risk children, on child offenders and on child protection within specialized centres.

78. **Mr. Rattray** (Jamaica) said that children suffered disproportionately during conflicts and armed violence, were seriously impacted in the aftermath of natural and man-made humanitarian crises and were exploited in the human trafficking trade. In the face of such calamities, urgent action was clearly needed. The 2030 Agenda provided a unique opportunity to deal with children's rights in a universal and inclusive manner, with particular emphasis placed on the plight of marginalized children, who faced added challenges because of their specific vulnerabilities.

79. Jamaica's comprehensive approach to children's rights, on the one hand, tackled access to primary and tertiary education through tuition-free education; a policy that no child should be barred from schooling on account of the parents' or guardians' inability to pay fees; and legislative amendments to codify the right of access to education. On the other hand, the approach addressed violence against children through Jamaica's membership of the Global Partnership to End Violence Against Children; the implementation of the National Plan of Action for an Integrated Response to Children and Violence; and a revision of the Safety and Security Manual to Address Bullying in Schools.

80. **Mr. Tupouniua** (Tonga) said that, as a small island developing State, Tonga endeavoured to make the most of limited resources to uphold the rights of the child. In 2013, it had enacted the Family Protection Act, which guaranteed the safety and protection of children who had experienced or witnessed domestic violence, and the Education Act, which provided children with access to quality education and free tuition throughout primary and secondary education,

prohibited corporal punishment and made education compulsory between the ages of 4 and 18. Free health care was available for all children without exception. The Government had also moved to codify laws on child labour through the Employment Relations Act.

81. The rights of the child were incorporated into the country's Strategic Development Framework 2015-2025. As the country had no social welfare schemes of its own in place, the Ministry of Internal Affairs and UNICEF were currently implementing child and social protection projects, including legal and policy reform. Additional child-focused events were being organized to commemorate United Nations Day and national cyber week. The latter event in particular would focus on the building of a safer and healthier digital world for children by providing guidance on the use of legislation and other actions to uphold children's rights online.

82. **Ms. Klein** (Madagascar) said that Madagascar had set up a child protection network, comprising hundreds of bodies spanning the entire country, to report cases of abuse, support victims and raise community awareness. That initiative was complemented by regional and community child protection plans. In 2016, the Government had drawn up a document on services offered to child victims of mistreatment and a practical guide on the management of such cases. Staff working in State bodies and teaching establishments received training on child protection in schools.

83. Her Government considered women's and children's health to be one of its main priorities and had launched national campaigns to promote child immunization against polio and malaria. It had also stepped up efforts to combat sex tourism involving children, signing a convention with national and international partners to promote child-sensitive sustainable tourism and, in May 2015, applying a code of conduct governing the sexual exploitation of children for commercial purposes or for sex tourism.

84. Madagascar had been battered by natural disasters which had a direct impact on people's health and well-being and exacerbated malnutrition. Her Government wished to thank all partners working to help children in Madagascar as well as the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator for her recent

visit in the wake of the devastation left by the El Niño phenomenon.

85. **Mr. Bai** (Fiji) said that the rights of the child were an integral element of his country's fundamental rights policy and had been enshrined in its Constitution. A new provision under the Constitution extended protection to children from all forms of violence at home and in school.

86. Access to quality education was of paramount importance to the Fijian Government. In 2015, education at primary and secondary schools was made free for the first time, with fees for textbooks and other study-related costs incurred also covered by the State. As part of its commitment to end all violence against children, his Government had launched a confidential child helpline in 2015 allowing callers in need of support, care or protection to speak to trained counsellors.

87. Fiji was a staunch proponent of Sustainable Development Goal 5 and incorporated gender mainstreaming into all its programmes and initiatives. It had also included provisions into its Constitution to limit the marginalization of persons with disabilities and was considering ratification of the Convention on the Rights of Persons with Disabilities.

88. **Ms. Tsevtanova** (Bulgaria) said that her Government had established targeted measures for promoting the rights and well-being of all children, especially those who were most vulnerable or marginalized. All Government policies and programmes took the best interests of the child into consideration, with emphasis placed on childhood development and equal access to quality education for all. Bulgaria had made significant progress in deinstitutionalizing childcare, preventing child abandonment, encouraging good parenting, supporting families with children and providing foster care and integrated services in communities. The Government was also strengthening its child protection systems and campaigning to raise awareness of the scope of the problem of violence against children.

89. Bulgaria remained committed to promoting children's rights in all international processes. It had co-chaired the Group of Friends of Children and Sustainable Development Goals; advocated the consideration of children's rights during

intergovernmental negotiations on the 2030 Agenda for Sustainable Development and during the New York Declaration for Refugees and Migrants; actively participated in the UNICEF global initiative, the World's Largest Lesson; and chaired the Council of Europe Committee of Ministers when the Strategy for the Rights of the Child 2016-2021 had been adopted.

90. Since children were particularly vulnerable in the current global humanitarian crisis, any response must be founded on the rights of the child. As a transit and host country for thousands of migrants and refugees, Bulgaria was working with partners to protect the human rights of all those seeking refuge.

91. **Mr. Momen** (Bangladesh) said that the best way to protect the rights of the child was through education. In accordance with the principle enshrined in its Constitution that education should be free and compulsory, Bangladesh had approved an education policy providing for education for all; introduced education grants for needy but outstanding students and scholarships for girls; and had distributed braille books for visually challenged children.

92. The Child Marriage Restraint Act and a national toll-free helpline were instrumental in preventing child marriage. The Government had also set up one-stop crisis centres to provide services for children who fell prey to violence and had adopted a five-year action plan to reduce child labour. Bangladesh welcomed the observance of the International Day of The Girl Child and commended the Secretary-General's Children, Not Soldiers campaign. He urged all Member States to reaffirm their commitment to put an end to the sale of children, child prostitution and child pornography.

93. Forced migration had compelled millions of children to leave their homes. Migrant children deserved the basic rights guaranteed by international human rights and humanitarian law. Unless the international community could provide adequate support for such children, countries would have no chance of achieving their Sustainable Development Goal targets.

94. **Mr. Komara** (Guinea) said that, despite broad political will and good progress towards the implementation of the Convention on the Rights of the Child and the 2030 Agenda, the situation of children worldwide was still dire owing to the failings of

Member States, dehumanizing laws and policies, environmental degradation and inconsistent national development programmes.

95. Guinea, recognizing its responsibility to children, had enacted the Children's Code and revised its mining code in order to afford children better protection from their environment. His Government was also proud to have signed the UNITLIFE agreement with UNICEF, which redistributed a share of mining revenue to fighting malnutrition. Free education, child vaccination programmes supported by UNICEF and the World Health Organization and the establishment of new human rights institutions were signs of the Government's determination to comply with the Convention on the Rights of the Child. Furthermore, the adoption of a national strategic plan against female genital mutilation and the raising of the age of marriage showed concern for the situation of young girls.

96. Despite its undeniable political will, the Ebola crisis had dampened many of the Government's ambitions, such as plans to build children's courts, expand outreach centres and improve care for persons with disabilities. Technical and financial support from partners and the Ebola Recovery Plan did, however, give some reasons for hope.

97. **Ms. Nguele Makouelet** (Congo) said that her country's new constitution, which had entered into force in 2015, had strengthened the legal and regulatory provisions, including the strategic framework of the national system for children. Her Government had also created a children's parliament, which was represented in each of the country's departments.

98. The most vulnerable children, including children with disabilities and indigenous children, were included in her Government's policy on the protection and promotion of the rights of children. The strategic framework on schooling and the resumption of schooling for children with disabilities had been approved, and children with disabilities had received school materials and assistive devices. Her country had worked to register several thousand indigenous children.

99. Partnerships were a vital aspect of policy implementation and, with the aim of combating hunger

and malnutrition, a letter of agreement had been signed with the World Food Programme in April 2015 for the implementation of the 2015-2018 country programme. The national child protection system had been activated throughout the country and information on child protection was being disseminated.

100. **Mr. Nkoloi** (Botswana) said that ongoing armed conflicts in many parts of the world, particularly the Syrian Arab Republic, Afghanistan, Iraq, Yemen, Somalia and South Sudan, had subjected children to displacement, abduction, sexual violence, forced marriage and trafficking. Botswana strongly condemned grave abuses and violations against children and barbaric attacks on schools and hospitals and urged Governments and parties to armed conflict to respect international human rights law and international humanitarian law. His delegation welcomed the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, the Education Cannot Wait fund and the Children, Not Soldiers campaign and individual action plans by parties to conflicts as effective initiatives for preventing grave abuses and violations against children.

The meeting rose at 1 p.m.



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Third Committee

Summary record of the 16th meeting

Held at Headquarters, New York, on Friday, 14 October 2016, at 3 p.m.

Chair: Ms. Mejía Vélez (Colombia)
later: Mr. Eriza (Vice-Chair) (Indonesia)
later: Ms. Mejía Vélez (Chair) (Colombia)

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Agenda item 64: Promotion and protection of the rights of children (*continued*)

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- (b) Follow-up to the outcome of the special session on children (*continued*)

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16-17920 (E)



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The meeting was called to order at 3.05 p.m.

Organization of work

1. **The Chair** proposed that the Committee should decide to invite the Special Rapporteur on the situation of human rights in Eritrea to present an oral update to the Third Committee as a member of the former commission of inquiry on human rights in Eritrea. The Special Rapporteur would be orally introduced as a member of the former commission, and additional time would be allocated if needed.
2. **The Chair** asked if the Committee wished to adopt her proposal.
3. *It was so decided.*
4. **Mr. Idris** (Eritrea) commended the Chair and the other members of the Bureau for their skilful steering of the Committee's work. The secretariat of the Third Committee was likewise to be commended for its professionalism. His delegation would continue to support their efforts to ensure a successful session and had accepted the Chair's proposal in the interests of moving forward.
5. From the outset, Eritrea's concern had been to clarify not whether a commission whose mandate had been terminated could be represented before the Committee but whether the General Assembly could invite a different body. It had made every effort to resolve the matter within the African Group, as it primarily concerned three African delegations, but the other side had refused to engage within the African house. The two-week discussion clearly demonstrated how the issue of human rights had become politicized. The discussion had been driven not by concern for procedure or human rights but by the desire to escalate bilateral hostilities and embroil the Committee in them. Countries with a long history of contempt for international law, including a country guilty of atrocious human rights violations that refused to allow an independent international investigation, were presenting themselves as the custodians of the General Assembly's rules of procedure. Human rights should not be politicized and could be promoted only through genuine dialogue and constructive engagement.

Agenda item 64: Promotion and protection of the rights of children (continued) (A/71/41)

- (a) **Promotion and protection of the rights of children (continued) (A/71/97, A/71/205, A/71/206, A/71/213, A/71/253, A/71/261, A/71/277 and A/71/413)**
 - (b) **Follow-up to the outcome of the special session on children (continued) (A/71/175)**
6. **Mr. Yaremenko** (Ukraine) said that his country had domesticated the numerous United Nations conventions on child protection, with special attention to its obligations under the Convention on the Rights of the Child. In September it had ratified the third Optional Protocol to that Convention, noting at the time that the temporary occupation of part of its territory limited its ability to fulfil its obligations there. It had implemented the recommendations of the Committee on the Rights of the Child on its consolidated third and fourth periodic report and was currently carrying out an annual national action plan that included streamlining its accounting system for abandoned, homeless and other children. In recent years, it had focused on preventing child abandonment, providing support for families in difficult situations and ensuring that children deprived of parental care could care to grow up in a family environment.
 7. As a result of Russian aggression, the number of families in difficult situations had skyrocketed. Since the beginning of the Russian-masterminded conflict, more than 250 children had been killed or wounded in eastern Ukraine, and more than 215,000 children had been forced to leave their homes. According to the United Nations Children's Fund (UNICEF), the lives of the approximately 580,000 children living in non-Ukrainian controlled areas and along the line of contact were severely affected by the conflict. His Government was doing its utmost to strengthen social protection for displaced families and their children and appealed for greater attention to conflict-related violations of children's rights in the Donbas region.
 8. The growth of civil society activity in Ukraine raised the issue of building long-term partnerships between non-governmental organizations, business and government. There was also a need for increased international assistance to overcome the legacy of the Chernobyl disaster, which had primarily affected children. Ukraine highly appreciated the financial and technical assistance provided by UNICEF and its partners.

9. **Ms. Abushawesh** (Observer for the State of Palestine) said that Palestinian children were denied their most basic human rights as a result of brutal military occupation. Moreover, the occupying Power was escalating its attacks on the entire Palestinian civilian population. It had stepped up its illegal, punitive demolition of Palestinian homes, farm fields and schools. Children in the Gaza Strip continued to suffer under the illegal and inhumane blockade. In June, the occupying forces had "mistakenly" shot yet another innocent Palestinian child, but given their number, such "mistakes" would appear to be a matter of deliberate policy. Her delegation also wanted to place on record the crimes committed by violent Israeli settlers under the watch and protection of the occupying forces.

10. The State of Palestine once again called on the international community to compel Israel to lift the blockade and to cease its violence against Palestinian children and their families, as well as to hold Israel and the illegal Israeli settlers accountable for their crimes.

11. **Mr. Zamora Rivas** (El Salvador) said that his country had made significant progress in children's education, health and protection and had strengthened its legislative and policy framework to fully protect the rights of children and adolescents, who represented a third of its population. Between June 2014 and May 2015, a total of 15,186 cases of alleged threats or violations had been brought before the 15 child and adolescent protection boards established to protect children's rights at the local level. His Government recognized that inequalities remained and reaffirmed its commitment to implementing the 2030 Agenda.

12. The approach to the complex issue of child and adolescent migrants entering the United States from Central America should be based on human rights and the best interests of the child, rather than detention and deportation. The countries of origin, transit and destination should work together to ensure respect for children's rights, including in particular their rights to be reunited with their families and not to be discriminated against on the basis of their immigration status.

13. His Government had ratified the third Optional Protocol to the Convention on the Rights of the Child in February 2015.

14. **Mr. Otto** (Palau) said that his country would be paying greater attention to creating an environment in which parents invested time, love and resources in their children and children were safe from demeaning activities and bullying. By focusing on the mental well-being of its children, it hoped to harness the creativity of children and youth as agents of change, as envisioned in the 2030 Agenda for Sustainable Development.

15. **Mr. Neow Choo Seong** (Malaysia) said that, since acceding to the Convention in 1995, Malaysia had established numerous laws and policies to protect children from violence, abuse, neglect and exploitation, beginning with the Child Act 2001. It recognized the need for a revitalized global partnership on children, and it valued its partnership with UNICEF. As a current member of the Security Council and Chair of the Working Group on Children and Armed Conflict, Malaysia was deeply committed to breaking the cycle of impunity for violations of children's rights in armed conflict, and it urged Member States, the United Nations system and civil society to work together to develop and institute strong accountability mechanisms.

16. **Mr. Tchalaré** (Togo) said that, in its ongoing efforts to promote and protect the rights of children, Togo had recently enacted several laws implementing the Child Code and had adopted a report on the national child protection system. It provided training on HIV/AIDS prevention, care of disabled children and provision of psychosocial support for children in emergency situations, and it continued to make gains in school enrolment from the preschool through secondary school levels, including in vocational and technical programmes. Regionally, Togo, Benin and Nigeria had drafted a tripartite agreement on the protection of children on the move and child victims of trafficking.

17. However, persistent shortcomings pointed to the need for continued effort. For example, only 28 per cent of girls finished lower secondary school, compared with 51 per cent of boys, and rural children were three times less likely to finish secondary school than urban children.

18. In the context of South-South cooperation, it was vital for developing countries, especially African countries, to find innovative mechanisms for funding

public programmes on children. All development actors must take ownership of the implementation of the 2030 Agenda for Sustainable Development.

19. **Ms. Rahimova** (Azerbaijan) said that her delegation was heartened by the recent reinforcement of global commitments to protect children against violence, including in the Sustainable Development Goals (SDGs) and the New York Declaration for Refugees and Migrants. Azerbaijan appreciated the growing attention to the topic of children in armed conflict, the signing of the various actions plans and the release of child soldiers, but it was also alarmed at emerging, more complex challenges, including the impact of violent extremism on children through the Internet and social media. Furthermore, there had been a significant rise in grave violations of the rights of children in situations of armed conflict. Internally displaced children were as vulnerable as refugee children, and children affected by armed conflict should be given special attention in implementing SDGs.

20. Azerbaijan had strengthened its public protections for children through the work of the State Committee for Family, Women and Children Affairs and by ratifying numerous international instruments, enacting solid legislation and implementing State programmes. It had also developed effective cooperation with UNICEF. Unfortunately, Azerbaijani children were still being killed, injured and displaced by Armenian attacks on its territory. For the children's sake, priority should be given to resolving all conflicts across the globe in accordance with international law.

21. **Mr. Gumende** (Mozambique) said that, over the past 40 years, her country had enacted numerous laws, built institutions and worked at the community level to address the challenges confronting Mozambican children. Most recently, it had adopted a national strategy to combat early and forced marriages, and it was currently implementing the National Plan of Action for Children (2013-2019). As a result of its cumulative efforts, more children had access to education and improved nutrition, the Child Parliament had been strengthened, health-care facilities were more numerous, access to water and sanitation had improved and the social security programme covered a larger number of vulnerable families. His Government believed in an integrated approach combining the

efforts of the public, private and civil society sectors and was grateful for the partnership and cooperation of the various United Nations entities, including UNICEF.

22. Mozambique's efforts were constrained by vulnerability to climate change and insufficient institutional capacity. In addition, it continued to grapple with high rates of malaria and HIV/AIDS.

23. **Ms. Grigoryan** (Armenia) said that children's rights could be protected and promoted through evidence-based advocacy for stronger national laws and policies incorporating the rights and needs of children. Armenia was implementing a number of measures that would benefit children, including a development strategy, a national educational development programme and a national programme for the protection of children's rights. It wished to highlight its growing collaboration with development partners, in particular, UNICEF. The UNICEF country programme document for Armenia for 2016-2020 addressed the issues of children facing multiple deprivations and focused on integrated health, social protection and inclusive education reforms.

24. In April, Azerbaijan had intentionally bombarded Armenian civilian infrastructure, including a primary school, and Azerbaijani soldiers had attacked, tortured, killed, and mutilated civilians — barbaric acts that were in clear violation of the core international instruments. A mechanism to investigate the ceasefire violations should be established in order to prevent their recurrence and end impunity.

25. **Ms. Goliatha** (Central African Republic) said that her Government remained committed to promoting and protecting the rights of children. However, the civil war in the Central African Republic had killed, maimed and orphaned children. They had been recruited into armed groups and driven from their homes; they had gone without food or medical care and suffered sexual abuse and rape, even at the hands of international peacekeepers, as confirmed most recently by the Secretary-General's report on combating sexual exploitation and abuse (A/71/97).

26. In the midst of it all, certain non-governmental organizations were providing classes for internally displaced children. Those children should be given the opportunity to return home, in the hope that Security Council resolution 2121 (2013) on the situation in the

Central African Republic would be implemented and prove effective. During 2014-2015, her Government and UNICEF had successfully collaborated to obtain the release of more than 5,000 child soldiers.

27. **Mr. Yao Shaojun** (China) said that, in accordance with the Convention and the relevant Optional Protocols, his Government was working to improve its legal and child welfare systems and promote equity in education. Social consensus had grown around the principle of "children first". The child development programme 2011-2020 had made significant strides in preschool education. Some provinces had established free education from preschool through secondary school, while others had established special safeguards for children in vulnerable situations.

28. States should endeavour to implement the child-related targets of the 2030 Agenda effectively and should support the United Nations system and civil society in their related efforts. Developed countries should increase financial and technical assistance to help developing countries protect the rights of children, and developing countries should share their experiences. As announced at the Global Leaders Meeting on Gender Equality and Women's Empowerment in 2015, China was implementing 100 projects to provide financial aid to girls living in poverty in order to increase their school enrolment. It would continue to work with the rest of the international community to achieve a world fit for children.

29. **Mr. Shava** (Zimbabwe) said that his country remained fully committed to the 2030 Agenda and its overarching goal of eradicating poverty. For countries such as his, the promotion of the rights of children could not be viewed in isolation from their broader development goals. Zimbabwe recognized the importance of sustained investment in its children. Because children did best in a secure family environment, it provided numerous forms of assistance to families.

30. Zimbabwe had several laws with provisions relating specifically to the protection of children, and his Government was in the process of aligning its legislation with treaty obligations. It had also drafted a child rights policy. With regard to the sexual abuse of children, Zimbabwe had established a victim-friendly system for child survivors of sexual abuse and a

protocol on the multisectoral management of sexual abuse and violence. To combat child marriages, it had recently passed a law setting the legal age of marriage at 18, and it stood ready to work with all local, regional, and international partners to translate that law into tangible protection. In education, it had launched a science, technology, engineering and mathematics (STEM) initiative to better prepare its children for future challenges.

31. **Ms. Gueye** (Senegal) said that her delegation reiterated its support for the "Children Not Soldiers" campaign, which had brought about the release of more than 115,000 child soldiers since 2000. In view of the attacks on schools and hospitals, the international community urgently needed to take steps to protect schools, hospitals and medical personnel.

32. Senegal gave due attention to children's rights in budget allocations for education, health, social welfare and the family. Much progress had been made, especially in education, where it had achieved a primary school enrolment rate of 80 per cent and near parity for girls and boys. Since 2005, it had been able to eradicate female genital mutilation in 1,600 villages through an extensive public awareness campaign. It had implemented universal health coverage, and had boosted the birth registration rate to 80 per cent.

33. **Mr. Von Hoft** (Angola) said that, in implementing the 2030 Agenda and the General Assembly Declaration and Plan of Action on a world fit for children (A/RES/S-27/2), Angola continued to focus on children in policymaking and budgeting. It had increased the budget share for projects and programmes to ensure the well-being of children and had enacted laws to protect vulnerable children such as children with disabilities. As a party to the Convention and its first two Optional Protocols, Angola had presented its consolidated second, third and fourth periodic reports and was finalizing its combined fifth and sixth report.

34. **Ms. Betham-Malielegaoi** (Samoa) said that, in Samoan culture, the family and community had primary responsibility for child-rearing, as stipulated in the Convention on the Rights of the Child. The Births, Deaths and Marriages Registration Act 2002 provided for the registration of all births, even retroactively. With regard to child labour, the Labour and Employment Relations Act 2013 established

conditions for the employment of children, and basic strategies were being developed to address the issue of child vendors, especially those working during school hours. Children under 5 received free primary health care, including vaccinations, and visiting medical practitioners and mobile clinics provided health care in rural areas and in the home. After making education compulsory in 2009, Samoa had instituted a school fees grant scheme that effectively made the first eleven years of school free. It supported quality education for all, including disabled and poor children.

35. **Ms. Deer** (Observer for the International Committee of the Red Cross (ICRC)), emphasizing the need to establish early identification and referral mechanisms for the most vulnerable migrants, said that migrant children were particularly vulnerable. A child whose age could not be documented should nevertheless be protected as a child. Migrant children could inadvertently become separated from their families, and they were sometimes purposely separated from them by well-meaning authorities, possibly causing great distress. States were obligated under international law to prevent family separation, preserve family unity and help families determine the whereabouts or fate of missing relatives. The International Red Cross and Red Crescent Movement worked to locate family members when children so desired, but not if they were afraid that finding them might undermine their asylum claim. Thus, while States should act to facilitate swift family reunification when it served the best interests of the child, they should refrain from doing so when it did not.

36. ICRC engaged in confidential dialogue with States to ensure that they fulfilled their obligations to migrant children. It was in the best interests of migrant children to detain them only as a last resort and then only for the shortest time possible. Furthermore, when a State was planning to return migrants, it must carefully assess each situation and respect the principle of non-refoulement.

37. By adopting the New York Declaration for Refugees and Migrants, the General Assembly had set forth the commitment to treat every individual with humanity. She called on Member States to provide adequate safeguards to protect the safety and dignity of migrant children and to ensure their access to essential services.

38. **Mr. Eriza (Indonesia)**, *Vice-Chair*, took the Chair.

39. **Mr. Espiritu** (Observer for the Sovereign Order of Malta), noting the persistently high rate of child mortality, said that the Order continued to provide prenatal, maternal and neonatal care across the globe. Its Bethlehem hospital delivered 70 per cent of all babies in the district, regardless of family nationality, religion or income. It operated a maternity and neonatal ward in Madagascar, was building centres in Togo and Uganda and would soon open a unit in the United Republic of Tanzania for Burundian refugee mothers. It was also actively engaged in combating maternal and child malnutrition across Africa and Asia.

40. The Order was strengthening its humanitarian aid actions to confront the tragic rise in the number of displaced children. Working with the Italian coastguard in the Strait of Sicily, its doctors had delivered three babies at sea the previous week. It supported medical facilities in the Syrian Arab Republic, Iraq, Lebanon and Turkey that had treated 5,000 children in the Syrian Arab Republic alone in 2015. Outside the Middle East, it provided medical and humanitarian assistance to refugees in Germany, Hungary, Ukraine, South Sudan, Myanmar and elsewhere in accordance with its 900-year-old mission of caring for the sick and vulnerable.

41. **Ms. Giordano** (Observer for the International Federation of Red Cross and Red Crescent Societies (IFRC)) said that, according to a recent UNICEF report, there were nearly 50 million migrant, refugee and displaced children. Increasingly, those children were travelling alone. Children on the move were among the most vulnerable categories; they could also be the most invisible and least likely to have a chance to voice their needs. While systems for protecting children from violence were receiving more attention, too many significant gaps remained. One was the lack of age- and gender-disaggregated data, which was necessary to address children's needs in a coordinated, rigorous manner. In that connection, early identification of at-risk children was vital to prevent them from being trafficked or exploited and provide them with the assistance they needed. States should be uncompromising in protecting children on the move. They should do much more to maintain family unity, should make family tracing a priority and should

provide interim alternative care arrangements, always bearing in mind the best interests of the child.

42. IFRC would continue to respond to the needs of children worldwide by establishing safe spaces, reuniting families, providing educational support, raising awareness of children's protection needs and providing psychosocial, health, water, sanitation and hygiene services.

43. *Ms. Mejía Vélez (Colombia), Chair, resumed the Chair.*

44. **Mr. Carvalho Pinheiro** (International Labour Organization (ILO)) said that the Fourth Global Conference on Child Labour, for which ILO was providing technical input, would help to boost and broaden support for activities to protect children. ILO continued to develop, enhance and monitor child-related international labour norms such as the Minimum Age Convention, the Forced Labour Convention and its Protocol and Recommendation, and the Worst Forms of Child Labour Convention. The ILO Social Protection Floors Recommendation was also important, given the key role of social floors in attenuating inequalities that adversely affected children. The ILO Transition from the Informal Economy Recommendation addressed a segment of the economy that was disproportionately responsible for violations of human, labour and children's rights. Under its International Programme on the Elimination of Child Labour, ILO provided technical assistance, improved the knowledge base and supported the worldwide movement against child labour. Together with several United Nations agencies and special procedures mandate holders, it had just launched SDG Alliance 8.7 on ending forced labour, modern slavery, human trafficking and the worst forms of child labour. Lastly, as part of its efforts to improve data collection and statistics, it had begun work on updating global estimates on child labour, henceforth to be disaggregated by region, sex, age group, sector and labour type.

Statements made in exercise of the right of reply

45. **Mr. Barkan** (Israel) said that, instead of promoting the Committee's agenda, the Palestinian representative had devoted her statement to baseless accusations that sent a message of hate and incitement. The Israeli delegation refused to play those games. Her

accusations did not bring the world closer to resolving the core challenges facing their region; they only further delayed the peaceful future that Palestinian and Israeli children deserved.

46. **Ms. Sukacheva** (Russian Federation), responding to the statement made by the representative of Georgia at the previous meeting, said that the Georgian authorities should address their concerns about children in the sovereign States of Abkhazia and South Ossetia directly to the authorities of those countries. Replying to the representative of Ukraine, he once again reminded the Ukrainian delegation that Crimea had been annexed in full compliance with international law. Since then, far from violating the human rights of the people, the Russian Federation had substantially improved their lives; the real human rights violations in Crimea were the blockades imposed by Ukrainian and Tartar nationalists with the full support of Ukraine. The Ukrainian representative was merely attempting to deflect international attention from Ukraine's human rights violations: the bombings of its own people in Donbas, the abduction and torture of journalists and opposition leaders, and the slaughter of protesters in Kyiv, for example. Ukraine should focus on investigating those crimes and on fulfilling its human rights commitments in western Ukraine. It should also give attention to implementing the Minsk Agreements. Unfortunately, more heavy artillery had recently been seen moving into the conflict area.

47. Once again, the other delegations were relying on social media for news about the Syrian Arab Republic rather than on the Russian Federation's daily reports. They did not want to face the fact that terrorists and non-State actors had mined the humanitarian corridor and were hiding weapons and posting snipers in schools and hospitals. Children were being used as human shields.

48. **Mr. Mikayilli** (Azerbaijan) said that the Armenian representative's accusations had no place in a discussion of children's rights. She was unsuccessfully trying to shift the blame for the April clashes onto Azerbaijan. Azerbaijani territories were under occupation, as repeatedly affirmed in Security Council and General Assembly resolutions demanding the unconditional withdrawal of Armenian forces. To compound the problem, Armenia had changed the demographic composition of the territories by

conducting ethnic cleansing, expelling Azerbaijanis and resettling Syrian Armenians there. In the recent hostilities, Azerbaijan had simply been defending its country and protecting its people. Armenia's troops should never have been in Azerbaijani territory, and that country was continuing its military build-up. If Armenia were really interested in peace, it would withdraw its troops from the occupied territories.

49. **Ms. Grigoryan** (Armenia) said that her delegation rejected the ungrounded but familiar accusations of the representative of Azerbaijan. His position confirmed that Azerbaijan's final solution to the conflict was the extermination of the people of Nagorno-Karabakh. The most recent military aggression had claimed the lives of nearly 100 people, including civilians, and had been accompanied by acts of despicable barbarism condoned by the Government of Azerbaijan and celebrated by its people. Azerbaijan's rationale for denying the people of Nagorno-Karabakh their right to self-determination was flawed, unsustainable and inhuman. The only sustainable solution to the conflict was a peaceful solution mediated by the Minsk Group. To demonstrate its commitment to peaceful settlement, Azerbaijan should, as a first step, immediately and unconditionally implement the agreements reached in Vienna and St. Petersburg in May and June. Its refusal to do so rendered it fully responsible for the lack of progress.

50. **Ms. Abushawesh** (Observer for the State of Palestine) said that the Israeli representative's predictable comments were completely false, as they overlooked the context of Israel's 50-year military occupation of the State of Palestine and its blatant violations of international and human rights law. Contrary to his assertion, the right to self-determination was central to the Committee's agenda.

51. The Palestinian statement stood on its own merits and had actually understated the stark, bitter reality of the lives of Palestinian children under occupation. The many gross violations of their rights were well documented by organs of the United Nations system and countless human rights organizations, including some Israeli ones.

52. In the typical racist manner of an occupying Power, the Israeli delegation was attempting to dehumanize the Palestinian people. Palestinian parents did not incite their children to violence or encourage

them to place themselves in harm's way. It was Israel that was harming the children, by arresting, injuring and killing them, demolishing their homes and denying them their rights to education, health, food, clean water and development.

53. The Palestinian delegation would continue to condemn the killing of all children and called on the Israeli delegation to do the same. Israeli and Palestinian children would not live in peace until Israel ended its occupation and ceased to violate Palestinian rights.

54. **Mr. Yaremenko** (Ukraine) said that he apparently needed to update the members of the Russian delegation on events in the Crimean peninsula. They should watch the Russian documentary "Crimea: the Road to the Motherland", in which their President clearly said that he had sent military intelligence and special forces into Crimea and had been prepared to use nuclear force. In his December press conference, he had once again admitted that there were Russians "solving military issues" in Crimea. Furthermore, the three people who had signed the so-called agreement on accession to the Russian Federation on behalf of Crimea and the city of Sebastopol were not their legitimate representatives of those places. The person signing for Sebastopol had been "elected" mayor by show of hands and carried a Russian passport.

55. **Ms. Kupradze** (Georgia) said that children residing in the occupied territories of Georgia were deprived of their fundamental right to education in their native language. Their freedom of movement was restricted, and they were not permitted access to the quality free health care provided by the State of Georgia. Those facts were indicative of a larger pattern of harassment and discrimination against Georgians in the occupied territories. In the absence of international monitoring mechanisms, the assertions of a representative of the occupying Power had no credibility whatsoever.

56. The representative of the Russian Federation had recommended talking directly with the authorities of Abkhazia and South Ossetia in previous statements. However, there were only two parties to the conflict: Georgia and the Russian Federation.

57. **Mr. Mikayilli** (Azerbaijan) said that, first, Armenia had also committed barbaric acts, including

the horrific Khojaly massacre, for which even high-ranking Armenian officials ~~had admitted responsibility~~. The then-President of Armenia had openly claimed to have no regrets about the Azerbaijani civilian casualties. Second, according to Armenian logic, exercise of the right to self-determination required occupying 20 per cent of his country, expelling all Azerbaijanis from the occupied territories, conducting ethnic cleansing and reducing the region to ruins. Third, the agreement reached in St. Petersburg and Vienna should be an integral part of substantive negotiations leading to the withdrawal of Armenian forces from Azerbaijani territories.

58. **Ms. Grigoryan** (Armenia) said that the unfortunate deaths of civilians in Khojaly had been the result of Azerbaijani political intrigue. According to the then-President of Azerbaijan, the attack on Khojaly had not been a surprise, and the Armenians had kept an evacuation corridor open. Civilians had been fired on by armed units loyal to the opposition Azerbaijani Popular Front, as later confirmed by the then-President, who linked their actions to attempts to remove him from power.

59. Regarding the right to self-determination, Azerbaijan itself had recognized the principles of equal rights and self-determination of peoples among the Basic Principles for the Peaceful Settlement of the Nagorno-Karabakh Conflict, agreed in Madrid.

The meeting rose at 5.10 p.m.



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Summary record of the 17th meeting

Held at Headquarters, New York, on Monday, 17 October 2016, at 10 a.m.

Chair: Ms. Mejía Vélez

(Colombia)

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16-17968 (E)



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The meeting was called to order at 10 a.m.

Agenda item 65: Rights of indigenous peoples
(A/71/228 and A/71/229)

(a) Rights of indigenous peoples

(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples

1. **Mr. Hernandez Valencia** (Office of the United Nations High Commissioner for Human Rights), introducing the biennial report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Peoples (A/71/228), said that the Fund had supported the participation of 181 indigenous representatives in the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and many other meetings. The report strongly encouraged all States and other potential donors to consider contributing to the Fund so that it could continue to support the participation of indigenous peoples in decisions that affected their lives.

2. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples), introducing her third annual thematic report to the General Assembly (A/71/229), said that over the past year she had undertaken a study of the impact of conservation measures on indigenous peoples. The traditional lands of indigenous peoples were being declared protected at a rapidly increasing rate, and while such action had the potential to safeguard biodiversity for the benefit of all humanity, it was frequently associated with violations of their human rights, such as the expropriation of their territories, the killing of their community members and denial of access to livelihood activities. Indigenous peoples who had been evicted from their traditional lands suffered marginalization and poverty, and were commonly excluded from redress mechanisms and reparation. She deeply regretted that she continued to receive complaints about violations against the rights of indigenous peoples in the name of conservation.

3. Since her report to the General Assembly in 2015, she had conducted country visits to Sápmi (Finland, Norway and Sweden) in August 2015, Honduras in November 2015 and Brazil in 2016. With regard to

Brazil, she regretted that many of the promises to the indigenous peoples displaced by the Belo Monte Dam were yet to be fulfilled. She had been pleased, however, to learn that the Tapajós Dam Project had been cancelled, as had been the long-standing demand of the Mundurucu and other indigenous peoples living in that territory. The demarcation of indigenous peoples' lands in Cachoeira Sêca was another positive development.

4. She had also prioritized and significantly increased the number of communications addressed to Governments in relation to violations of indigenous peoples' rights. Since the beginning of 2016, she had sent over 50 communications to more than 30 States in relation to violations of a wide range of economic, social and cultural as well as civil and political rights.

5. She was pleased to note that, following the presentation of her report to the World Conservation Congress of the International Union for the Conservation of Nature (IUCN) in September 2016, the Congress had taken some of her findings into account in its resolutions, such as the need to safeguard indigenous lands, territories and resources from unsustainable developments, the overlap between protected areas and territories conserved by indigenous peoples and local communities, and the need to improve the participation of indigenous organizations in the IUCN structure.

6. Also in September 2016, she had presented her second report on the impacts of international investment agreements on indigenous peoples (A/HRC/33/42) to the Human Rights Council. Her third and final report on the subject would be presented to the Council in 2017.

7. Her next thematic report to the General Assembly in 2017 would follow up on discussions in the Permanent Forum in 2016 and explore how armed conflict, peace agreements and transitional justice affected the human rights of indigenous peoples, in particular their right to truth, justice and reparation.

8. She would also continue to closely monitor implementation of the Sustainable Development Goals. Indigenous peoples made up 5 per cent of the global population, yet accounted for 15 per cent of the world's poorest peoples. While it was positive that references to indigenous peoples had been included in the

indicators relating to agricultural productivity, education and in the need for national progress reviews, she regretted that the Goals did not include additional references to indigenous peoples among their targets and indicators. She wished to recall that she had urged for such inclusion and for the need for disaggregated data in order to monitor progress in her report to the General Assembly in 2014 (A/69/267).

9. The year 2017 would mark the tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples and she would continue to pay close attention to the application of its wide-ranging provisions. Closing the gap between recognition of indigenous peoples' rights at the international level and their realization on the ground remained her main concern and she reiterated her commitment as Special Rapporteur to monitor how States and the United Nations were implementing the Declaration and the outcome document of the World Conference on Indigenous Peoples.

10. Lastly, she wished to reaffirm her commitment to promoting indigenous peoples' rights in close collaboration with indigenous peoples themselves and in coordination with relevant international mechanisms and institutions. She reiterated her pledge to address the human rights challenges brought to her attention and to be proactive in her efforts to prevent such situations from arising or escalating.

11. **Mr. Nuno** (Spain) said that, in line with the Special Rapporteur's recommendations, Spain had already ratified the Indigenous and Tribal Peoples Convention of 1989. Spanish aid and development agencies had promoted the organization of regional and national workshops in the Ibero-American countries with a view to facilitating tripartite dialogue on the realization of the right to free, prior and informed consent. He wondered whether upholding that right in respect of conservation measures was any different to its application in the case of commercial projects.

12. **Ms. Brooke** (United States of America) said that, while appreciating many of the report's recommendations, her delegation disagreed with some of its content, including the characterization of her Government's actions in relation to Yellowstone National Park and Yosemite National Park. Although indigenous peoples had historically been excluded from those parklands, the United States was currently

working to include the historical presence of indigenous peoples in the interpretative materials of the parks.

13. In her report, the Special Rapporteur had suggested reforming the Operational Guidelines for the Implementation of the World Heritage Convention, which contained procedures for the designation of World Heritage sites. The Guidelines had been amended in 2015 to encourage States Parties to obtain the free, prior and informed consent of indigenous peoples when nominating sites for protection. In that light, she wondered whether the Special Rapporteur would recommend any further revisions.

14. **Mr. de la Mora Salcedo** (Mexico) said that, at the thirty-third session of the Human Rights Council, Guatemala and Mexico had advocated for a renewal of the Special Rapporteur's mandate for a period of three years, an initiative that had been supported by the countries members of the Council.

15. In her report, the Special Rapporteur had said that the Operational Guidelines for the Implementation of the World Heritage Convention, which set out the procedure for the inclusion of properties on the World Heritage List and the protection and conservation of sites, did not require participation by indigenous peoples. He therefore wondered how the procedures for evaluating potential sites in the Operational Guidelines should be amended to bring them into line with the United Nations Declaration on the Rights of Indigenous Peoples, and what reforms should be made to the way the Convention was implemented.

16. **Mr. Ruiz Blanco** (Colombia) thanked the Special Rapporteur for her participation in an academic forum on indigenous jurisdiction and access to justice, which had taken place in Colombia in February 2016. In his country, a high proportion of protected areas were located in indigenous territories for the sole purpose of protecting both the communities and the natural resources. The territorial rights of indigenous peoples and conservation measures were linked, and the complexities inherent to their implementation must be resolved.

17. **Mr. Naqi** (Canada) said that his country was working to promote self-government and self-determination of indigenous peoples and was negotiating comprehensive land claims in support of land rights. It was also proactively supporting indigenous

peoples in their pursuit of economic, social and cultural development. He would welcome information on key legal provisions and best practices for promoting an approach to conservation that took account of the rights of indigenous peoples, and on the gaps and barriers that were preventing States from adopting a human rights-based approach to conservation and what could be done to overcome them.

18. **Ms. Wacker** (Observer for the European Union) said that the rights of indigenous peoples and conservation should be treated as mutually reinforcing rather than mutually exclusive concepts. One of the premises of a human rights-based approach to conservation was the full recognition of indigenous peoples' participation. She wondered whether the Special Rapporteur was aware of any good practices adopted by States that enabled indigenous peoples to participate in the implementation of decisions as well as in the decision-making process, perhaps by empowering indigenous peoples to safeguard or steward national parks.

19. **Mr. Joshi** (India) said that India was a strong supporter of the promotion and protection of the rights of indigenous peoples and had therefore been disappointed by the Special Rapporteur's references to India in her report. They appeared to be based on a report by one non-governmental organization, which had used secondary sources of information. To the knowledge of his delegation, no Government agencies had been consulted. The constitution of India enshrined affirmative action in favour of its scheduled tribes. It was highly misleading to compare the tribal communities of India, which had lived alongside other communities in the diverse and pluralistic Indian society for thousands of years, with indigenous peoples in certain other parts of the world, who had suffered great injustices for centuries. India therefore strongly urged the Special Rapporteur to exercise greater care in the preparation of her reports and to refrain from including selective and ill-informed references.

20. **Ms. Mouflih** (Morocco) said that, as noted by the Special Rapporteur in her report, the protection and promotion of the rights of indigenous peoples required a global, participatory approach in which their development needs were taken into account at all levels of government. Her delegation would like to

hear more about the culturally appropriate complaints mechanisms she had mentioned in her report.

21. **Ms. Katanasho** (Norway) said that Norway appreciated the open and constructive dialogue held during the Special Rapporteur's visit to the Sami region of Norway, Sweden and Finland in August 2015 and commended her work on the impact of international investment agreements on indigenous peoples' rights. Norway was currently drafting a model bilateral investment treaty that addressed the issue. As noted in the Special Rapporteur's report, the creation of protected areas and conservation activities would be further advanced by climate change initiatives, and the engagement of indigenous peoples and local communities would be crucial to the success of the new global framework on climate change. Currently, only 22 States had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and she wished to know how the Special Rapporteur was working with the ILO to promote broader ratification.

22. **Mr. Vanderley Cavalcanti Júnior** (Brazil) said that several positive developments had taken place recently in Brazil. In 2016 the Government had created a National Council for Indigenous Policy, and 200 posts had been added to the staff list of the National Foundation for Indigenous Peoples. Moreover, between 2008 and 2016, an additional 91,000 square kilometres had been demarcated as indigenous lands. He asked how the Special Rapporteur's mandate, the Permanent Forum on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples might contribute to the ongoing debate about increasing the participation of indigenous peoples in United Nations activities.

23. **Ms. Becker** (Denmark) said that her delegation welcomed the Special Rapporteur's report, as well as her recommendations regarding the need to duly recognize the knowledge and experience of indigenous peoples when protecting nature. In that context, respect for the rights of indigenous peoples to self-determination, to participation and to free, informed, and especially, prior, consent were of the utmost importance. Denmark together with Greenland was working actively to uphold those principles at all levels. She requested examples of best practices at country level where a State, indigenous people and

conservationists had worked together successfully on conservation issues.

24. **Ms. Maduhu** (United Republic of Tanzania) said that her delegation wished to express its reservations regarding the claim made in the Special Rapporteur's report that there were indigenous people in the United Republic of Tanzania, since no such people, as defined by the United Nations and the African Union, existed there. The notion of indigenous people had found favour in the colonial era and had been used to belittle less developed local communities as culturally inferior. There had been no critical thinking since to revise that definition. The United Republic of Tanzania thus had difficulty accepting the notion and the definition itself.

25. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples) said that the free, prior and informed consent of indigenous communities regarding any action directly affecting them was essential, including in the designation of conservation areas and World Heritage sites. Not only the consultation, but also the participation, of indigenous communities should be ensured. She took note of the reservation made by the United States delegation to the observations in her report regarding Yellowstone National Park and Yosemite National Park. The changes in park management mentioned by the delegation were welcome. The aim in the report had been to cite examples of past practices in national parks with a view to encouraging Governments to address legacy issues. One recommendation made at the thirty-fourth session of the World Heritage Committee held in Brasilia in 2010 that she had supported had been to create an advisory group on indigenous peoples to assist States in the designation of World Heritage sites, and the Committee was considering creating such a group and developing guidelines on the matter.

26. In terms of legal protection, not only the Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169, but also the Convention on Biological Diversity and the Paris Agreement on Climate Change, contained provisions protecting the rights of indigenous peoples and their knowledge systems. As to good practices, the increasingly leading role that indigenous persons played in co-managing protected areas in Australia and the protection of the rights of indigenous peoples afforded by the Forest

Rights Act of India were to be commended, as was the human-rights based approach advocated by IUCN. She still received reports, however, of indigenous peoples being displaced because their traditional lands had been declared a conservation area, and she had thus recommended at the IUCN World Conservation Congress, held in September 2016, that not only States, but also conservation organizations, should establish complaints mechanisms.

27. She was also taking action to broaden the ratification of ILO Convention No. 169, starting with Sweden, Finland and the Philippines. It had been agreed during the most recent meeting of the Expert Mechanism on the Rights of Indigenous Peoples in Geneva, that the Mechanism, the Permanent Forum and her mandate would further strengthen collaboration between them and each would report on how they had pushed for the implementation of the Declaration on the Rights of Indigenous Peoples and on the follow-up action required leading up to the Declaration's tenth anniversary in 2017. In terms of enhancing the participation of indigenous peoples in the General Assembly, she was of the view that indigenous peoples should be designated a special category, but care would need to be taken to ensure that the designation would not in fact limit their participation.

28. She recognized the concerns expressed by the United Republic of Tanzania, but there were people in that country who identified themselves as indigenous peoples. The concept of self-identification was enshrined in the Declaration on the Rights of Indigenous Peoples, and if self-identified indigenous peoples existed in a country, the State should take measures to discuss and address the issue.

29. **Ms. Maduhu** (United Republic of Tanzania) said that there were minorities in her country who identified themselves as indigenous peoples. The Government of the United Republic of Tanzania recognized the existence of minorities that lagged behind in development terms and was taking measures to address their needs. It had, for example, in 2011 made an exception to village land ownership certification regulations for small hunter-gather communities, by enabling them to collectively register themselves as villages. Also, the Maasai, who had previously been largely landless, had been granted 2,500 square

kilometres of land, while 1,500 square kilometres had been protected as a crucial wildlife corridor.

30. **Ms. Guzmán Madera** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that CELAC reaffirmed its commitment to the implementation of the outcome document of the World Conference on Indigenous Peoples, and welcomed the recommendations made in the report of the Office of the High Commissioner for Human Rights submitted at its thirty-second session aimed at improving the Expert Mechanism, as well as the system-wide action plan adopted to ensure a coherent approach to achieving the ends of the Declaration on the Rights of Indigenous Peoples. CELAC countries also supported the consultation process being undertaken by the President of the General Assembly on possible measures to ensure the participation of indigenous peoples' representatives and institutions in meetings of United Nations bodies on issues affecting them and urged all relevant stakeholders to continue engaging actively in the process.

31. CELAC countries welcomed the 2030 Agenda for Sustainable Development, which recognized the link between eradicating poverty, combating inequality, preserving the planet, creating sustainable economic growth and fostering social inclusion. The eradication of poverty and the achievement of sustainable development with equity required efforts at all levels, as well as the inclusion of vulnerable groups like indigenous peoples. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development encouraged cooperation and the exchange of knowledge and recognized the contribution of traditional knowledge, innovations and practices to social well-being and sustainable livelihoods. In that regard, CELAC recognized the importance of traditional sustainable agricultural practices and upheld the rights of indigenous peoples regarding the exploitation of their resources and their traditional land tenure systems with a view to promoting a more sustainable production base that improved the natural environment. CELAC acknowledged the contribution of the collective action of indigenous peoples to biodiversity conservation and supported the multilateral negotiations under way to protect the patents on the traditional and ancestral knowledge and measures to promote the fair and

equitable sharing of the benefits derived from their use. CELAC also supported the empowerment and capacity-building of indigenous women and youth and welcomed the increased attention paid to their situation by the Commission on the Status of Women.

32. General Assembly resolution 69/327 recognized that indigenous peoples, through some of their traditional values and principles, such as the Andean peoples' principles of *ama suwa* (do not steal) *ama llula* (do not lie) and *ama qhilla* (do not be lazy), were making a significant contribution to society by strengthening the commitment of individuals and collectives to improving the transparency of public administration and promoting inclusive and responsible public services within the framework of sustainable development.

33. **Ms. Young** (Belize), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM member States continued to work to ensure the effective implementation of the Declaration on the Rights of Indigenous Peoples and thanked the outgoing Secretary-General for his development of the system-wide action plan to ensure a well-articulated approach within the United Nations System and ultimately guarantee the effective participation of indigenous peoples in the processes and decisions affecting them. CARICOM was keenly following the consultations on ways to enable the further participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies and supported the excellent work of the United Nations Voluntary Fund for Indigenous Peoples in that regard. CARICOM States had themselves established ministries and commissions to ensure the representation of their indigenous peoples within the national framework and ensure their effective participation in all matters affecting their social, cultural and economic development.

34. CARICOM was proud to have participated in the formulation of the final document of the 2030 Agenda for Sustainable Development, which made six specific references to indigenous peoples. The implementation of the Agenda must be pursued from a human-rights based perspective, in accordance with the Declaration on the Rights of Indigenous Peoples and with indigenous peoples as partners and rights-holders in the process. CARICOM States would continue to work to end human rights violations and to combat

discrimination against all indigenous peoples in their region and stood firm in their dedication to assisting their indigenous populations in their development.

35. Indigenous languages were of intrinsic value to all aspects of indigenous culture, including the survival of traditional knowledge. Only through the combined commitment of States and indigenous peoples to the revitalization of those languages would the erosion of their largely oral traditions and philosophies be halted. CARICOM therefore joined the General Assembly in calling for the proclamation of an international year of indigenous languages in 2018 or as soon as possible.

36. **Mr. de la Mora Salcedo** (Mexico), speaking on behalf of the Group of Friends of Indigenous Peoples, said that the Group recognized the value of working in partnership with indigenous peoples to protect the world's shared biodiversity and would continue to support the effective participation of indigenous peoples in the design, implementation and monitoring of conservation initiatives. The world must learn from traditional indigenous conservation practices and continue to transfer technical skills that enabled indigenous peoples to engage in conservation management.

37. The achievements of the United Nations Voluntary Fund for Indigenous Peoples, which had supported the participation of approximately 2,000 indigenous representatives in major decision-making processes at the United Nations during the previous 30 years, were to be celebrated as a contribution to the protection and promotion of indigenous peoples' rights. The Group urged all States and potential donors to contribute to the Fund, which, importantly, had supported indigenous peoples' engagement in the consultation process that aimed to enhance their participation in discussions at the United Nations. The Group commended the former and current Presidents of the General Assembly and the four advisers chosen to advance that participation for their commitment and for the open and transparent manner in which they had managed the consultations. The Group remained confident that an inclusive outcome would be reached by the end of the current session of the General Assembly. The Group urged Member States, indigenous peoples, civil society and the United Nations Secretariat to redouble efforts to ensure that the greatest possible number of indigenous peoples could continue to have their views represented.

38. Finally, he welcomed the Human Rights Council's request for the Expert Mechanism on the Rights of Indigenous Peoples to undertake a global study of the best practices and challenges related to the discrimination faced by indigenous peoples in business and access to financial services, in particular by indigenous women entrepreneurs.

39. **Ms. Wacker** (Observer for the European Union) said that both the United Nations Declaration on the Rights of Indigenous Peoples and the World Conference on Indigenous Peoples had led to new policy agendas and tools. The principle of inclusivity at the heart of the 2030 Agenda for Sustainable Development, reflected in the pledge to leave no one behind, was particularly relevant for indigenous peoples who, along with other vulnerable groups, deserved heightened attention. It was gratifying to see specific references to indigenous peoples in the targets on food security and education.

40. To help indigenous communities develop reliable community-based and community-owned data that could feed into the sustainable development targets of the 2030 Agenda, the European Union was providing financial assistance to the Indigenous Navigator project through the European Instrument for Democracy and Human Rights and the Global Public Goods Challenges programme of the Development Cooperation Instrument. Similar grants had been made to the International Labour Organization, the International Work Group for Indigenous Affairs, the Forest Peoples Programme, the Indigenous Peoples' International Centre for Policy Research and Education, known as Tebtebba, and the Asia Indigenous Peoples Pact.

41. The rights-based approach to development cooperation adopted by the Union in 2014, which encompassed all human rights, would be vital in strengthening the role of indigenous peoples in the planning and implementation of the Sustainable Development Goals. That approach implied the effective participation of indigenous peoples and their representatives throughout the process of the Union's development cooperation, including in the assessment of the opportunities and benefits of engaging in sustainable development activities.

42. Moreover, the European Union's Action Plan on Human Rights and Democracy 2015-2019 had taken that commitment a step further by incorporating the

rights-based approach into all external actions of the Union. The Action Plan's emphasis on economic, social and cultural rights included protection for human rights defenders working on land-related issues and indigenous peoples in the context of land-grabbing and climate change. It would also call greater attention to the implementation of the United Nations Guiding Principles on Business and Human Rights.

43. Lastly, she expressed the interest of the European Union in the report of the Special Rapporteur on the rights of indigenous peoples (A/71/229) and its satisfaction with the decision of the 33rd session of the Human Rights Council to amend the mandate of the Expert Mechanism on the Rights of Indigenous Peoples in line with the outcome document of the World Conference on Indigenous Peoples. The EU expected that the extended mandate would reinvigorate the dialogues and sharing of best practices by Member States and indigenous peoples.

44. **Mr. Petersen** (Denmark), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the promotion and protection of the rights of indigenous peoples was a long-standing priority. Fulfilling the objectives of the United Nations Declaration on the Rights of Indigenous Peoples would require consistent work at the national and international levels. He stressed the importance of increasing the participation of indigenous peoples' representatives in all relevant United Nations forums, not solely those of the Economic and Social Council and its subsidiary bodies. Moreover, their representatives should not participate as non-governmental organizations but under a new category, as the existing categories did not reflect their unique features. The Nordic countries hoped that an inclusive outcome would be reached on the consultation process on indigenous peoples' participation in meetings by the end of the current session.

45. Indigenous peoples should enjoy the right to self-determination and to be consulted in decision-making processes which might directly affect them, including regarding biodiversity and conservation measures. He thanked the Special Rapporteur on the rights of indigenous peoples for highlighting in her report the strong correlation between safeguarding biodiversity and fulfilling the Declaration. The Nordic countries appreciated the recommendations in her report and firmly agreed that Member States, conservation

organizations and indigenous peoples should create alliances to safeguard biodiversity and protect nature.

46. The Nordic countries welcomed the new mandate of the Expert Mechanism on the Rights of Indigenous Peoples and the Human Rights Council's request for it to carry out a global study on best practices and challenges related to indigenous peoples' rights. The study would also represent a good opportunity to strengthen dialogue between indigenous peoples and Member States on specific challenges in implementing the Declaration. As the tenth anniversary of the Declaration approached, it was high time to meet the objectives of the Declaration both at the national and international levels.

47. **Ms. Brooke** (United States of America) said that her country was a strong advocate of the Declaration and of the revision of the mandate of the Expert Mechanism, which should help Member States to achieve the Declaration's important objectives. The revamped Expert Mechanism would have greater capacity to respond to indigenous peoples' concerns; to consider recent and ongoing abuses; to solicit information from relevant sources; and to provide technical advice on developing legislation and policies to follow up on recommendations by United Nations mechanisms. Her delegation also supported greater cooperation between the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples in order to mutually reinforce each other's work.

48. While supporting the further expansion of the mandate of the United Nations Voluntary Fund for Indigenous Peoples, she called for greater transparency regarding the Fund's management and the granting of awards, since increased awareness of available funds would result in a more diverse pool of recipients. The United States would continue to search for ways in which to focus the United Nations system on the needs of indigenous peoples and, in particular, to increase the participation of indigenous peoples' representatives in United Nations meetings.

49. **Mr. Hasegawa** (Peru) said that there were 55 indigenous peoples in Peru, who spoke a total of 48 languages; through their traditions, knowledge and customs they were making invaluable contributions to the country's culture and identity. Peru promoted and guaranteed social equality and respect for the rights of indigenous peoples, in accordance with the relevant

international instruments. Legislation on the right to prior consultation had been enacted in 2011, making Peru one of the first countries in the region to implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) in that regard. To date, 24 consultations had been held between the State and indigenous peoples, involving over 20 indigenous groups and 600 communities. Consultations had concerned the development of the hydrocarbons sector, mining, environmental protection, health, languages and bilingual intercultural education.

50. In line with its belief in intercultural dialogue as the ideal means of upholding the rights of indigenous peoples, Peru had established joint forums at the local and national levels. In one petroleum-producing region, a contingency fund for environmental protection had been created and was being administered by a board with indigenous peoples' representatives, and funds had been allocated to protect the property rights of local communities. A working group which included indigenous peoples had been set up to provide a standing platform for the coordination of public policies involving indigenous peoples. Important agreements had been reached on adapting public services to indigenous traditions and ways of life. As an initial step, multilingual services were provided in civil registries.

51. Peru considered the recognition and protection of indigenous land and territory a priority. To that end, it had reclassified some territories as indigenous and was spearheading efforts to address problems faced by native communities in the Amazon region, such as deforestation and the titling of land.

52. **Ms. Natividad** (Philippines) said that the Philippines had some 14 million indigenous people, whose rights to their ancestral lands were enshrined in the Constitution and relevant legislation. The Indigenous Peoples' Rights Act had recognized the right of indigenous peoples to self-determination, the applicability of customary laws governing property rights, and the requirement that their free, prior and informed consent be obtained in relation to any developments that might have an impact on their land and resources. Indigenous peoples' representatives currently accounted for some 2,000 members of local decision-making authorities.

53. Indigenous peoples played a critical role in environmental protection and biodiversity conservation. Her Government was working with the United Nations Development Programme and the Philippine Association for Intercultural Development, a non-governmental organization, to implement a \$6.78 million project aimed at improving environmental protection and biodiversity and protecting sacred tribal grounds and indigenous and community conserved areas. The purpose of the project was also to help the Philippines to meet the requirements of its international commitments, especially target 11 of the Aichi Biodiversity Targets under the Convention on Biological Diversity.

54. The Philippines had issued certificates of ancestral domain titles for around 4.5 million hectares of land, including to the Mandaya tribal communities around Mount Hamiguitan. Furthermore, the Government had established an interagency task force to meet indigenous peoples' concerns of land grabbing, forced eviction and human rights violations. The task force prevented titles from being issued within ancestral domains and verified the authenticity of all documents pertaining to the use of land belonging to indigenous communities.

55. **Ms. Pérez Sistos** (Mexico) said that the 15 million indigenous persons living in Mexico were an integral part of the national identity and heritage. Mexico endeavoured to achieve genuine inclusive development by improving their incomes and quality of life, without compromising their cultural identity or the planet's natural heritage.

56. She encouraged Member States to comply with the Outcome Document of the World Conference on Indigenous Peoples by placing the well-being of indigenous peoples at the centre of public policy. The best way of doing so was to promote the autonomy of indigenous peoples and tailor public policies to their specific needs. An office had been established to defend the voting and other civic rights of indigenous peoples. It also collaborated with the United Nations Development Programme by hosting a portal on good practices for the administration of justice, with a focus on rights and interculturality. Despite the numerous challenges which Mexico faced, it was committed to ensuring that indigenous persons continued to enjoy their full rights.

57. Her country's contributions to multilateral forums proved the added value of intercultural dialogue with indigenous peoples. Each year at the Human Rights Council, Mexico and Guatemala submitted a resolution on human rights and indigenous people identifying and analysing priorities deserving the international community's attention. Her delegation supported the initiative to extend the mandate of the Special Rapporteur on the rights of indigenous peoples by a further three years. It called for an increase in the number of experts in the Expert Mechanism to seven and an improvement of the coordination with other procedures. Further discussions were required on improving the working methods of the Permanent Forum on Indigenous Issues.

58. Her Government was pleased that the Commission on the Status of Women would focus at its next session on the advancement of indigenous women. Additional efforts should be made to increase the participation of indigenous peoples at all United Nations meetings; their knowledge could, in particular, be useful in the work of the General Assembly. Mexico would continue to strengthen dialogue with indigenous peoples at the national level.

59. **Mr. Ruiz Blanco** (Colombia), reiterating his country's support for reforms to increase the participation of indigenous peoples within the United Nations, emphasized that their objectives and needs must be reflected in any strategies adopted in that regard. Colombia had amended its legislation to grant indigenous peoples greater autonomy: communities in Colombia were now authorized to manage their own resources in the areas of health care, education, water and basic sanitation. Mechanisms had also been established for the legal protection of territories that had once been occupied or owned by indigenous peoples. The measures, which brought Colombia a step closer to creating indigenous territories with fully recognized rights, applied to 29.6 per cent of the national territory owned by indigenous peoples.

60. His Government was committed to the principle contained in the 2030 Agenda that no one should be left behind. It was working on a linguistic policy to recognize the 65 native languages in the country as official languages alongside Spanish. In recognition of the vulnerability of women during the armed conflict and with the goal of advancing their rights, it had

provided leadership training to over 1,280 indigenous women. Lastly, the Victims' Rights and Land Restitution Act entailed a consultation process to help victims of armed conflict seek reparations and recover their land. Colombia was well aware of the importance of empowering indigenous peoples, helping them overcome difficult conditions and ensuring their inclusion in the country's transformation process as it strove to achieve peace, equality and social justice.

61. **Ms. Thomas Ramírez** (Cuba) said that the adoption of the Declaration was a historic victory in indigenous peoples' fight for the recognition of their ancestral rights. However, although Cuba had made great strides in the protection of the rights of indigenous peoples, who made up more than five per cent of the world population, many indigenous communities were still subjected to violence, marginalization and land grabbing. In Cuba alone, the original population of 120,000 had been decimated within 30 years of the arrival of the colonizers.

62. Her delegation urged the international community to recognize the equality and right to self-determination of indigenous peoples worldwide and their rights to preserve their own institutions, cultures and spiritual traditions, without fear of racism and discrimination. Conservation policies should be counterbalanced against the ancestral values of indigenous peoples. Indeed, studies had shown that areas over which indigenous peoples exercised ownership tended to be better preserved than adjacent areas.

63. Reaffirming the rights of all cultures to preserve traditional practices that were closely bound up with their identity, she supported the right of the Plurinational State of Bolivia to defend the tradition of Andean indigenous peoples to chew coca leaves. She urged Member States to protect the rights of tribes and communities to traditional and ancestral knowledge and the fruits of that knowledge.

64. **Ms. Anichina** (Russian Federation) said that the Russian Federation had always supported indigenous minorities in their aspiration to the fuller and more effective enjoyment of their rights and would continue to do so. Her Government considered the Declaration to be an important instrument for protecting indigenous peoples' rights at the national and international levels but that each Member State was responsible for defining tools to guarantee those rights on the basis of

the indigenous peoples' specific needs. The Russian Federation implemented a long-term sustainable development plan for indigenous minorities in northern Russia, Siberia and the Far East and had appointed numerous regional ombudsmen for indigenous peoples.

65. The issue of increasing the participation of indigenous peoples' representatives in United Nations bodies, which had recently been raised in the international community, should be addressed with caution. At least two platforms existed for the direct participation of indigenous peoples, the Expert Mechanism and the Permanent Forum, while other United Nations agencies had established special procedures for involving indigenous peoples in thematic issues, allowing them to submit alternative reports on a State's compliance with a treaty. The primary goal should therefore be to make indigenous peoples more aware of the opportunities already available to them for participation in United Nations bodies and other relevant international organizations.

66. Her delegation welcomed the reforms of the Expert Mechanism proposed at the thirty-third session of the Human Rights Council. She hoped that the body would in the future focus on collecting and sharing best practices in the implementation of the Declaration and providing expert advice to Member States on indigenous peoples' rights. Although the expansion of the Expert Mechanism to seven persons was a positive step, equitable geographical representation should be guaranteed.

67. **Ms. Diedricks** (South Africa) said that since the advent of the democratic dispensation in her country, the Government had amply demonstrated its commitment to the advancement of the human rights of indigenous peoples and communities, and in particular to the realization of their socioeconomic development. The Pan South African Language Board had been established to promote and create conditions for the development and use of languages, including indigenous languages. Legislative measures took into account traditional leadership structures and the value of indigenous knowledge. In addition, cultural and religious sites had been restored and indigenous communities had the right to lodge land claims for heritage and ancestral sites. South Africa welcomed the ongoing consultations aimed at addressing the importance for indigenous peoples to participate in

United Nations meetings concerning them. The notion of "nothing about us without us" encapsulated the true spirit of "leaving no one behind".

68. The next step for the international community was to draw up a convention on the rights of indigenous peoples to provide for effective remedies where human rights violations had taken place and for the punishment of perpetrators, with zero tolerance for impunity. A legally binding international instrument was urgently needed to address the human rights violations that transnational corporations continued to perpetrate against indigenous peoples and their communities, lands and resources. Those corporations must be held accountable for their dreadful transgressions, which indigenous peoples characterized as genocide. The principle of free, prior and informed consent must not be just a guide but, indeed, should be the subject of a law to be complied with.

69. **Ms. Sabja** (Plurinational State of Bolivia) said that Bolivia was bringing its public policies in line with the various instruments on the rights of indigenous peoples that it had ratified. A structural change had been necessary in order to incorporate into the decentralized State the individual and collective rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. The Plurinational State of Bolivia drew on indigenous wisdom and knowledge and on the principles of solidarity, complementarity, reciprocity, inclusion, equity, dignity and equality of opportunities. The outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, issued in 2014, served to define actions in defence of the life and territories of indigenous peoples and to initiate transformation on the basis of their wisdom and knowledge.

70. Bolivia was developing a strategic plan of action for the fulfilment of the rights of indigenous peoples. It was fundamental to highlight the right of indigenous peoples to land and its natural resources. Having resisted all forms of external and internal colonization, indigenous peoples in her country had, against all odds, preserved their culture, which was bound up with the philosophy of good living, or living in harmony and equilibrium with Mother Earth. Public policies that were part of the process of decolonization and depatriarchalization were being implemented. Under

the 2025 Patriotic Bicentennial Agenda, Bolivia was building a new inclusive, participatory and democratic society, free from discrimination or racism, the principal goal being to eradicate extreme poverty. Indigenous know-how relating to the medicinal properties of plants and animals that were part of their biodiversity was vital. Self-sufficiency in food production and nutrition was also being pursued.

71. The Plurinational State of Bolivia fully supported the consultation process being developed by the President of the General Assembly with a view to ensuring that the representatives of indigenous peoples and institutions could participate in meetings of United Nations bodies where issues relevant to them were being discussed. Her country looked forward to participating in the high-level meeting scheduled for 2017 to mark the tenth anniversary of the Declaration, at which the international community would take stock of the progress achieved and outstanding issues.

72. **Ms. Sandoval** (Paraguay) said that indigenous people accounted for 1.7 per cent of the Paraguayan population and belonged to 19 ethnic groups living in 493 communities across the country. One of the two official languages of Paraguay was Guaraní, an indigenous language that was widely spoken by the population as a whole. The indigenous heritage was a fundamental element of the cultural identity of the Paraguayan people. Paraguayan law safeguarded the right of indigenous people to communal ownership of sufficient land to ensure the preservation and development of their distinct way of life. It also guaranteed their right to participate in political life and in decision-making on matters that affected their rights.

73. The Indigenous Health Act provided for culturally sensitive medical services. Various social protection programmes, including conditional cash transfers, were gradually being extended to indigenous families and housing units were being constructed in indigenous settlements. A recently introduced bill sought to ensure that indigenous peoples would be consulted on any development project that was likely to affect their way of life, territory or environment. Also being considered was a draft protocol on consultation of indigenous communities to obtain their free, prior and informed consent for any such project.

74. In conjunction with the United Nations, the Government of Paraguay was drawing up a national

plan for indigenous peoples in compliance with one of the mandates established in the outcome document of the high-level plenary meeting of the General Assembly on indigenous peoples.

75. **Archbishop Auza** (Observer for the Holy See) said that the ongoing struggle of the indigenous peoples to preserve their heritage, language, religious traditions and livelihoods through the realization of their right to self-determination was not only their concern but a concern for the entire world. An economy driven by motives of profit and individual gain rather than responsibility for one's neighbour, the environment and the common good had left the indigenous people further and further behind. They were displaced from their traditional homelands, with which they were both physically and spiritually in communion, by extractive companies, public works and even well-intentioned land conservationists. Thus uprooted, they experienced higher rates of poverty, unemployment, and social and food insecurity than non-indigenous populations. Indeed, they accounted for nearly 15 per cent of the world's poor in spite of being only 5 per cent of the world's population.

76. Pope Francis had called for a humane alternative to globalization and one that did not exclude vulnerable groups. The indigenous peoples would not only be beneficiaries of such an alternative approach but would also become protagonists of their own development. Their voices were crucial in any such discussion. They must be players and not spectators in the implementation of the 2030 Agenda and the Paris Agreement on climate change. The indigenous peoples were justifiably demanding not only respect for their rights but also the integration of indigenous knowledge into relevant socioeconomic and environmental policies. Their representatives and institutions must be allowed to participate more fully in meetings of relevant United Nations bodies, especially on issues of direct concern to them. The inclusive, representative and transparent consultations held at the seventieth session of the General Assembly should be pursued with greater vigour at the current session.

77. **Mr. Skinner-Klee** (Guatemala) said that his delegation welcomed the recent, timely adoption of Human Rights Council resolution 33/25 on the amendment of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and the request

that an annual study should be prepared on the rights of indigenous peoples worldwide. The concerted efforts of the mechanisms of the Human Rights Council would make it easier to effectively monitor fulfilment of the commitments and empower indigenous peoples.

78. The 2030 Agenda was an opportunity to assess progress towards the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Equity, social and financial inclusion and access to loans were fundamental for ensuring that indigenous and all other peoples had access to justice, civic and political participation and a full and dignified life. His delegation supported empowerment and capacity-building for indigenous women, including their participation in the adoption of decisions that concerned them, in particular in the areas of health, education and employment. Awareness-building campaigns were vital for informing them of their rights and advising them on ways of ensuring the fulfilment of those rights. Guatemala fully supported the consultation process under way under the leadership of the President of the General Assembly to ensure the participation of representatives and institutions of indigenous peoples in relevant United Nations meetings.

79. **Mr. Mendoza-García** (Costa Rica) said that as a State Party to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), his country had already established a regulatory framework for the promotion and protection of the rights of indigenous peoples. Costa Rica had supported the Declaration on the Rights of Indigenous Peoples since it was adopted and already had ample legislation covering such matters as land rights, communal property and access to safe drinking water and health care.

80. He stressed that Article 66 of his country's 1998 Law on Biological Diversity recognized the right of local communities and indigenous peoples to prevent access to their resources or to any related knowledge for cultural, spiritual, social, economic or other purposes. Such legislation took account of the potential impact on the rights of indigenous peoples when environmental protection zones were established in areas that included indigenous lands. Interagency coordination was under way to ensure the proper implementation of such provisions.

81. At the same time, the Ministry of the Environment and Energy was beginning to draft

legislation governing wetlands, for which consultations would be carried out in six regions of the country, including with indigenous communities native to the areas slated to be receive protected status. The consultative process would seek to ensure the sustainable management of those areas and to take into account the needs and rights of local populations.

82. The Government's integrated approach to the human rights of the indigenous peoples represented a departure from previous policies based on handouts and assimilation, which had only entrenched poverty and discrimination. A recent directive had launched a broad consultative process throughout the 24 territories with the aim of establishing a mechanism to ensure the right of indigenous peoples to participate in decisions on matters that affected them. The mechanism would also serve to consolidate all projects in those areas and provide the necessary infrastructure for development and establish a framework for the representation of the indigenous peoples in international organizations. Additional measures for land restitution in the 24 designated territories were also under discussion.

83. Finally, despite the solid legal provisions already in force in his country, indigenous peoples still faced challenges in terms of full implementation of their rights. There was still a significant effort to achieve reconciliation to be made. His country would continue to rely on the invaluable support of the United Nations, the Office of the Special Rapporteur on the rights of indigenous peoples and the national Office of the Ombudsman.

84. **Mr. Jelinski** (Canada) said that the Government of Canada was deeply committed to renewing its relationship with the indigenous peoples of Canada, on the basis of recognition of their rights and in a spirit of respect, cooperation and partnership. Reconciliation was key to that renewal and had required a significant shift in how the Government functioned and in the way Canadians viewed and interacted with one another. To that end, it was continuing the process of truth-telling, healing and working with Canadian First Nations, Métis and Inuit. The Truth and Reconciliation Commission had issued calls to action and a national reconciliation framework was being developed. A national inquiry into the missing and murdered indigenous women and girls had been launched.

85. As announced at the United Nations Forum on Indigenous Issues in May 2016, Canada had become a full supporter, without qualification, of the United Nations Declaration on the Rights of Indigenous Peoples. Section 35 of the Constitution of Canada specifically recognized and confirmed aboriginal and treaty rights, but the Declaration would provide a more robust framework for the recognition of those rights. The Government was also re-engaging in a renewed nation-to-nation process with indigenous peoples in order to achieve real progress on the issues most important to them and fulfil its human rights commitments.

86. **Ms. Nunoshiba** (Japan) said that the Ainu, an indigenous people with a unique language and a distinct religion and culture, lived in the northern part of the Japanese Archipelago, especially on the island of Hokkaido. The Government of Japan and representatives of the Ainu had come together to discuss comprehensive and effective measures relating to issues such as education, revitalization of the Ainu culture and the promotion of industrial development. The Ainu language and traditional crafts were endangered. Various programmes to revive them would be offered at a new national centre currently being constructed. Designated the "Symbolic Space for Ethnic Harmony", the centre would consist of a national museum and park, surrounded by lakes and forests. It would also include a memorial hall where the remains of Ainu people would be kept and honoured.

87. The good-faith dialogue with the Ainu people contributed to the achievement of a society free from discrimination and where diversity was respected. Guided by the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, Japan would continue to tackle the problems faced by indigenous peoples in cooperation with other members of the international community.

88. **Ms. Maduhu** (United Republic of Tanzania) said that her delegation wished to reiterate its reservations regarding the claim that indigenous communities existed within her country's jurisdiction. Under colonialism, pastoral societies in Africa had been marginalized and discriminated against. Immediately after independence, her country had adopted measures

to improve the well-being of people regardless of their ethnicity or tribal affiliation and had sought to redress inherent imbalances. Constitutional and legislative mechanisms had been put in place to protect pastoralists and hunter-gatherers against discrimination of all forms, including affronts to their dignity and discrimination on the basis of their livelihood. Their right to own property was protected under the Constitution and an independent judiciary heard and determined all disputes, including land disputes from the grass-roots level as well as allegations of human rights violations.

89. A few minority groups in the country maintained their traditional way of life and were dependent on access to lands and accompanying natural resources. All the country's inhabitants of African descent were indigenous. Her country had no indigenous peoples as defined by the United Nations or the African Union.

90. **Mr. Chu Guang** (People's Republic of China) said that, in implementing the 2030 Agenda, the countries concerned must activate their political will and take effective actions to eradicate poverty among indigenous people. Fostering economic development would improve the employment prospects, education opportunities, health and housing conditions of the latter. Protection of the rights and interests of indigenous peoples must be secured by law and indigenous peoples must share the benefits of economic and social development. The United Nations agencies and programmes should implement all the aims of the System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples by strengthening monitoring functions and making sure that the countries concerned fulfilled their obligations under the Declaration.

91. China welcomed the participation of representatives and institutions of indigenous peoples in United Nations discussions relevant to their interests and rights. Fuller participation by those representatives would enhance the role of the United Nations system in efforts to promote the rights of indigenous peoples. Specific arrangements for indigenous peoples to participate in United Nations meetings should be made in accordance with the principles and purposes of the United Nations Charter. The sovereign right and territorial integrity of countries should be respected and the intergovernmental nature of

the consultative process within the United Nations preserved. Not every country had indigenous people. People living on their ancestral lands should not be categorized as indigenous. Non-governmental organizations masquerading as indigenous peoples should be prevented from entering the United Nations.

92. **Ms. Karimdoost** (Islamic Republic of Iran) said that, by virtue of their love for Mother Earth and respect for nature, indigenous peoples would be valuable partners in implementing Agenda 2030. Colonialism, using falsehoods such as the doctrine of discovery, had systematically and savagely violated the rights of indigenous peoples for hundreds of years. The system-wide action plan to implement the outcome document of the high-level plenary meeting of the General Assembly on indigenous peoples was an important step towards empowering indigenous peoples both nationally and internationally. However, as the countries in the northern hemisphere that still had the most disadvantaged indigenous peoples did not host United Nations development agencies, it was unclear how the special needs of those peoples would be met.

93. Her delegation recognized the legitimate request of indigenous peoples for the right to participate in United Nations meetings concerning them and called for a full examination of all available mechanisms, including the Permanent Forum on Indigenous Issues. She feared that the claims of other groups purporting to be indigenous might overshadow the rights of indigenous peoples and ultimately harm the interests of the latter. No entity should be allowed to misuse the title of indigenous people and put the legitimate interests of bona fide members of those communities at risk.

The meeting rose at 12.55 p.m.



General Assembly

Seventy-first session

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Third Committee

Summary record of the 18th meeting

Held at Headquarters, New York, on Monday, 17 October 2016, at 3 p.m.

Chair: Ms. Mejía Vélez (Colombia)

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Agenda item 65: Rights of indigenous peoples (*continued*)

- (a) Rights of indigenous peoples (*continued*)
- (b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (*continued*)

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16-17969 (E)



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The meeting was called to order at 3 p.m.

Agenda item 65: Rights of indigenous peoples
(continued) (A/71/228 and A/71/229)

(a) Rights of indigenous peoples (continued)

(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (continued)

1. **Mr. Yaremenko** (Ukraine) said that his country recognized the Crimean Tatars as an indigenous people within the sovereign and independent Ukraine, and the Mejlis as the executive body of the Kurultai, the highest representative body of the Crimean Tatar people, whose inherent right to self-determination was guaranteed by Ukraine. The Deputy Chairman of the Mejlis, Ilmi Umerov, had recently been illegally detained by the Russian occupying force and deprived of his life-essential medications on a charge of separatism for publically denying that Crimea was part of Russia, a statement fully compliant with General Assembly resolution 68/262. In October 2016, five Crimean Tatar community activists and citizens had been unlawfully detained and arrested.

2. The number of Crimean Tatars living in Ukraine had fallen from 270,000 in 2013 to 229,000 as of that date as a direct result of their deliberate displacement. In April 2016, the Supreme Court of Crimea had declared the Mejlis an extremist organization and banned its activities, a ruling upheld by the Supreme Court of the Russian Federation in September 2016. Ukraine considered such acts to be a manifestation of racial discrimination and blatant violation of international law. Since its recent occupation of Ukrainian Crimea, the Russian Federation had deliberately and systematically violated human rights and restricted freedoms there.

3. **Ms. Bellout** (Algeria) said that indigenous peoples should enjoy all rights enshrined in international instruments, with local and national adaptation to each country's historical development and social and political conditions. The Government was committed to promoting all dimensions of the Amazigh, the main ethnicity of the Algerian people, which was enshrined in the Algerian Constitution together with Islam and Arabism as fundamental

components of Algerian identity. The Tamazight language of the Amazigh was an official national language under the constitution. A High Commission for the Amazigh had been set up in 1995 to promote Tamazight and establish it as a foundation of national identity; the Government had subsequently introduced a number of measures to help achieve those goals.

4. **Ms. Chand** (Fiji) said that the indigenous people of her country, the iTaukei, were the majority in the population. The land, fishing and mineral rights of the indigenous community were protected by a constitutional guarantee protecting iTaukei land, which made up over 90 per cent of all land in Fiji, and any indigenous land acquired by the State for public purposes would revert to iTaukei ownership once no longer required by the State.

5. The national relocation policy for iTaukei communities forced to move due to climate change safeguarded indigenous rights to land use, food security, cultural rights, customary fishing rights and the protection of traditional grave sites. Fiji stressed the need for sensitivity in balancing the rights of an indigenous majority with those of minorities. Indigenous rights could not be used to justify a monopoly over power or create a community of privilege.

6. **Mr. Neow Choo Seong** (Malaysia) said that the country's five-year plan covering 2016 to 2020 included measures to provide the indigenous community with greater access to quality health care and education. The Government had also developed an inclusive national strategic plan aimed at improving the indigenous community's socioeconomic status and quality of life, while also protecting its heritage. Income-generating programmes and commercial agricultural activities to further reduce poverty in indigenous communities had also been introduced. Development needs should be balanced with the protection of indigenous rights through a holistic approach involving all stakeholders.

7. **Mr. Taula** (New Zealand) said that seeking and maintaining effective relationships with the indigenous guardians of ancestral lands was critical to the enhanced conservation of natural resources and cultural heritage. The ongoing settlement of treaty claims had led to innovative approaches to the management of natural resources based on indigenous tradition, mutual good faith, cooperation and respect.

8. New Zealand welcomed the recent adoption of Human Rights Council resolution 33/25 to strengthen the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and the widening of the membership of the Expert Mechanism to cover all seven indigenous sociocultural regions, but considered that United Nations work in this area must be properly funded. Specific attention and action were needed for the most marginalized, indigenous girls and indigenous persons with disabilities.

9. **Mr. Duarte** (Brazil) said that new rules recognizing traditional indigenous peoples' institutions and leadership arrangements were needed as current arrangements equating indigenous bodies to non-governmental organizations were not always appropriate. Geographical balance would be a main criterion for the allocation of places for indigenous representatives in any United Nations meeting and should also inform the work of the Voluntary Fund for Indigenous Peoples.

10. Brazil's National Council for Human Rights had been established in 2014, and included a working group on the rights of indigenous peoples in southern Brazil. There were currently 462 demarcated indigenous lands, covering 12 per cent of Brazil's territory or over 1 million square kilometres, and 35 new indigenous lands covering 91,000 square kilometres had been demarcated between 2008 and 2016. The National Programme for the Protection of Human Rights Defenders was currently safeguarding 101 indigenous leaders.

11. There were over 3,000 indigenous schools in Brazil employing over 10,000 indigenous teachers and catering for nearly 240,000 students. The number of indigenous university students was over 22,000 and rising fast. Nine projects worth over \$24 million had already been sponsored by the Amazon Fund, which had financed other sustainability projects at a cost of over \$36 million on indigenous lands since 2008.

12. **Ms. Mainali** (Nepal) said that her country had over 125 ethnic groups, over 123 languages and 10 different religions. As a party to major human rights and International Labour Organization (ILO) conventions, including the Indigenous and Tribal Peoples Convention, 1989 (No. 169), Nepal attached the utmost importance to the protection and promotion of indigenous peoples, their cultures and ways of life. Its new Constitution prioritized the inclusion of all

people; it guaranteed indigenous peoples' participation in decision-making processes and provided for the preservation of their traditional knowledge, skills and cultures. In Nepal an indigenous nationalities commission was responsible for safeguarding indigenous peoples' rights and interests. The Government had recognized all mother tongues spoken in the country as national languages. The 2015 Report of the Special Rapporteur on the rights of indigenous peoples referred to an event which had happened in 2009, and which was irrelevant in the changed context. Her Government was strongly committed to eliminating sexual violence, as well as all forms of discrimination against indigenous peoples and the unlawful acquisition of land.

13. Her Government had adopted a rights-based, inclusive approach to governance and development, with laws ensuring that all sectors of society, including indigenous peoples, were represented in the national public administration and political leadership. Forty-five per cent of public service vacancies were reserved for underrepresented groups, namely women, ethnic minorities, Dalits, Madhesi, people from remote areas and the disabled. The law established that a minimum of 35 per cent of local governments' development budgets must be allocated to programmes for indigenous groups. The Government was integrating the 2030 Agenda for Sustainable Development into its national plans, policies and programmes, with a particular focus on marginalized groups. Nepal stood ready to fulfil its commitment to improving the lives of indigenous peoples, and called upon the international community to strengthen cooperation in order to better integrate indigenous peoples' issues into the international development agenda.

14. **Ms. Mucavi** (Food and Agriculture Organization of the United Nations (FAO)) said that 80 per cent of the world's biodiversity was found in indigenous peoples' territories, which accounted for only 20 per cent of the world's land. Indigenous peoples' traditional knowledge could offer many answers to current and future food challenges. Indigenous peoples should not be forcibly displaced; such displacement affected not only them, but also biodiversity. Since its adoption of the FAO Policy on Indigenous and Tribal Peoples, 2010, FAO had taken action to ensure respect for indigenous peoples' rights, and their full participation in the development process and in efforts

to combat climate change and food insecurity. It had also had supported the development of national indigenous peoples action plans in Latin American countries such as El Salvador, Paraguay and Honduras.

15. FAO had recently published a manual entitled "Free, Prior and Informed Consent: An indigenous peoples' right and a good practice for local communities", the product of a collaboration with different international agencies which had been developed in consultation with indigenous communities. The manual outlined the steps involved in a development project and emphasized inclusion of traditional leaders, women and youth in decision-making processes. FAO was developing tailored training for regional and national stakeholders on implementing its guidelines. Member States were invited to inform FAO if they were interested in becoming involved with the initiative. FAO was committed to promoting the rights of indigenous peoples to ensure that the 2030 Agenda was a success and build a world that left no one behind.

16. **Mr. Cassidy** (International Labour Organization (ILO)) said that the inclusion of provisions on the promotion and protection of the rights of indigenous peoples in the 2030 Agenda and the Paris Agreement should enable countries to more effectively pursue targeted policies to tackle indigenous groups' persistent poverty and secure their communities' rights. However, there were significant gaps with regard to recognition of indigenous peoples, protection of their rights, their inclusion in public policies and decision-making processes, and recognition of their contributions to protecting the environment and sustainable development. Such gaps had serious consequences, including loss of access to lands and natural resources, loss of livelihoods, lack of access to social protection and health care, dependence on the informal economy, and vulnerability to forced labour. Indigenous peoples bore the brunt of the effects of climate change, and they also had a fundamental role to play in combating it because their ways of life were closely intertwined with nature. Indigenous peoples' economic activities were grounded in a sustainable model. Public policies needed to respond to that connection by supporting indigenous people to innovate, build enterprises or cooperatives, or enhance their income-generating activities.

17. The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) supported the role of indigenous peoples as meaningful partners in environmental conservation by providing a framework for protecting their rights and ensuring their access to decent work. Inclusive social protection systems could help to promote indigenous peoples' rights, while also reducing poverty and helping to protect the environment. The ILO 2015 strategy on indigenous peoples, currently being implemented in 11 countries across Latin America, Africa and Asia, was designed to, inter alia, ensure indigenous peoples' access to decent work and strengthen relevant institutional dialogue. Making a success of the 2030 Agenda required a rights-based approach, recognition of indigenous peoples' contribution to the environment and sustainable development, and capacity-building for national stakeholders.

18. **Mr. Tituaña Matango** (Ecuador) said that building and consolidating an intercultural and plurinational State was a national priority. In order to ensure respect for indigenous peoples' rights, achieve equality and eliminate discrimination, in 2014 his Government had established four National Councils for Equality, one of which was dedicated to indigenous peoples and nations. Through it, the Government sought to guarantee indigenous peoples' rights to maintain and develop their identities, ancestral traditions and social structures; ensure that they did not suffer any kind of discrimination on the basis of their ethnicity or cultural identity; and compensate groups affected by any such discrimination.

19. As part of the national transformation process, the Government had created affirmative action programmes targeted to peoples and nations who had been historically excluded and systematically discriminated against, designed, inter alia, to strengthen social inclusion and increase their access to jobs, education and health services. Measures that enhanced the participation of indigenous peoples and nations in politics and decision-making, such as the appointment of a group of young indigenous women to the national foreign service in 2012, were important. The international community should support efforts to preserve indigenous languages, as their disappearance implied a devaluing of defining cultural practices and an irreparable loss of unique knowledge.

20. The advances made at the World Conference on Indigenous Peoples were welcome, as was the decision of the Bureau of the Commission on the Status of Women to adopt as the theme of its sixty-first session the empowerment of indigenous women. The progress with regard to the participation of indigenous peoples in United Nations meetings on topics that affected them was equally encouraging. His Government was a firm believer in the transformative power of joint action to meet the needs of peoples and nations. With collective effort, real climate justice could be achieved.

21. **Ms. Anichina** (Russian Federation), speaking in exercise of the right of reply, said that her delegation was bound to respond to the unfounded statement made by the representative of Ukraine. Crimean Tatars were on an equal footing with all other Russians; their rights were upheld by Russian legislation in accordance with international human rights instruments. All rights violations were thoroughly investigated and perpetrators were held to account. The Ukrainian Government had ignored infringements of Tatars' rights for over 20 years — even when the lack of legislative and political measures to protect Tatars' rights had been highlighted by human rights treaty bodies. Difficulties faced by Ukrainian Tatars included problems obtaining Ukrainian nationality, authorities' unwillingness to look into ethnically motivated crimes against them and an inability to use the Ukrainian Tatar language in court. The Government of Ukraine had opportunistically become an active advocate of Ukrainian Tatars' rights for political ends.

22. **Mr. Yaremenko** (Ukraine), speaking in exercise of the right of reply, said that the television channel Russia Today made it clear that the Government of the Russian Federation existed in a parallel reality. Quoting the June 2016 report on the human rights situation in Ukraine issued by the Office of the United Nations High Commissioner for Human Rights, an impartial entity, he said that in the two years following the extension by the Russian Federation of its jurisdiction over Crimea the human rights situation there had seriously deteriorated, with Russian Federation laws imposed on the population of the peninsula and fundamental freedoms curtailed.

The meeting rose at 3.55 p.m.



General Assembly

Seventy-first session

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Third Committee

Summary record of the 19th meeting

Held at Headquarters, New York, on Tuesday, 18 October 2016, at 10 a.m.

Chair: Ms. Mejía Vélez

(Colombia)

Contents

Agenda item 68: Promotion and protection of human rights

- (a) Implementation of human rights instruments
- (d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

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16-18096 (E)



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The meeting was called to order at 10 a.m.

Agenda item 68: Promotion and protection of human rights (A/71/40)

(a) Implementation of human rights instruments
(A/71/44, A/71/48, A/71/118, A/71/268,
A/71/270, A/71/272, A/71/289, A/71/298 and
A/71/341)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/71/36)

1. **Mr. Salama** (Director, Human Rights Treaty Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)), introducing the report of the Secretary-General on the status of the human rights treaty body system, said that the statistics included in the supplementary information document showed that there had been an increase in treaty ratifications, individual communications and urgent action requests. The Secretary-General welcomed the positive reaction to the capacity-building programme established and implemented by OHCHR to support States in their engagement with the treaty bodies. While the overall implementation of General Assembly resolution 68/268 was positive, the harmonization of working methods was progressing with varying results, and all stakeholders must do more work to elevate the treaty body system to the required level of efficiency and impact. The report reviewed the meeting time necessary to allow the treaty bodies to cope with their workload in the biennium 2018-2019 and identified immediate needs for 2017, on which the General Assembly was asked to take action.

2. Introducing the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/71/289), he said that the Fund allowed thousands of victims worldwide to realize the right to rehabilitation and was an integral part of the United Nations anti-torture architecture. Over 47,000 victims in 81 countries were being assisted by specialized practitioners from rehabilitation centres, non-governmental organizations (NGOs) and legal aid groups through a net investment in direct assistance services totalling over \$7.1 million. The Fund had been established 35 years ago, and yet torture remained endemic and was often condoned. The data gathered from project proposals submitted to the Fund showed

that an increasing number of victims were children and adolescents. In April 2016, the Fund had convened a two-day expert workshop to address the rehabilitation of child and adolescent victims of torture and the intergenerational transmission of trauma. The need for redress and rehabilitation had become more urgent than ever, and contributions to the Fund were a concrete manifestation of the commitment made by States to eliminate torture and rehabilitate victims under Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. Introducing the report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/71/272), he said that exploitation and slavery-like practices were present in all regions of the world. The unique victim-focused mandate of the Fund provided concrete direct assistance to victims, including legal aid, psychosocial support, medical care and sustainable sources of income. The Fund, however, had been operating on a critically low funding level for several years despite the high number of victims in need, and the report stressed the insufficient level of contributions received. In 2015, the Board of Trustees of the Fund had agreed on a new policy that would prioritize projects providing specialized assistance to victims, in particular legal redress, as well as projects with a focus on women and children, in particular in situations of conflict and humanitarian crises. The Fund aimed to award larger grants and contribute to the achievement of Sustainable Development Goal target 8.7 to eradicate forced labour and end modern slavery and human trafficking.

4. **Mr. Moussa** (Egypt) said that his Government had a number of concerns regarding the guidelines against intimidation or reprisals (San José guidelines). The meetings of Chairs of the human rights treaty bodies were limited to procedural matters and did not encompass substantive issues. The guidelines imposed obligations on States that did not necessarily stem from the treaties they had ratified, for example, allowing the treaty bodies to receive and examine individual complaints without the consent of States. Egypt was monitoring the current phase of the implementation of General Assembly resolution 68/268 with a view to formulating a more comprehensive assessment of the situation prior to the upcoming review of the

effectiveness of the human rights treaty body system in 2020.

5. **Mr. Aliu** (Ghana), speaking on behalf of the Group of African States, said that the African States had ratified most of the human rights treaties, thereby assuming obligations that required expertise in many fields, especially reporting. In order to address gaps in capacity, more technical assistance must be provided to assist Member States in fulfilling their obligations. In that regard, the Group welcomed the capacity-building programmes and subregional training workshops and called for more such opportunities to enhance the quality of reporting by Member States.

6. Resolution 68/268 encouraged the treaty bodies to enhance interaction with States parties, especially during the meetings of the Chairs of the human rights treaty bodies. The Group encouraged the selection of New York as the location of such meetings, because it afforded every country the opportunity to interact. The Group expressed concern that the overall backlog of the treaty body system had increased rather than decreased, due to the additional number of individual communications since the implementation of the resolution, and that the allocation of meeting time had changed, increasing the meeting time for communications and decreasing the meeting time for reviews of State party reports. The Group stressed the need to allocate more meeting time for State party reports, which provided an opportunity for national authorities to present the situation in their country in a holistic manner and to address issues affecting all members of society.

7. The Group continued to caution against any attempts aimed at codifying new norms outside of the intergovernmental process, which extended to the content and implications of the San José guidelines.

8. **Mr. Rabi** (Morocco) said that resolution 68/268 was a milestone in strengthening the treaty bodies. However, it had only been adopted two years earlier, and it was not possible to expect significant advances in such a short amount of time. Nevertheless, Morocco encouraged OHCHR to continue to harmonize the working methods of the human rights treaty bodies, which was crucial to strengthening those mechanisms, and to continue to increase the capacities of developing countries.

9. **Ms. Verstichel** (Belgium), speaking also on behalf of Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Croatia, Denmark, Finland, the former Yugoslav Republic of Macedonia, Georgia, Greece, Iceland, Latvia, Liechtenstein, Lithuania, Mexico, New Zealand, Paraguay, Poland, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom and Ukraine, said that the treaty bodies had become more efficient and effective in the past two and a half years, notwithstanding the short implementation period. Nevertheless, all stakeholders must undertake more efforts to elevate the treaty body system to the required level of efficiency and impact by the 2020 review.

10. The treaty bodies were encouraged to continue to increase their efforts towards greater harmonization of their working methods, which would benefit all stakeholders. Although the Chairs of the treaty bodies had made recommendations concerning constructive dialogue, concluding observations and general comments, more progress could be achieved, in particular with regard to the simplified reporting procedure.

11. **Mr. Salama** (Director, Human Rights Treaty Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, although the 2020 review was important, resolution 68/268 had established a multistep process that included three prior steps, the first of which had been the report on the status of the human rights treaty body system. The report served as a tool to allow the existing meeting time to be adapted to the workload, and there was no cause for concern. Some committees needed less time for reporting but had a high number of individual communications. There were very specific recommendations concerning the harmonization of working methods that would be implemented once the Third Committee took action on the report.

12. He welcomed the recommendation to hold the annual meetings of the Chairs of the human rights treaty bodies in New York because of the importance of direct engagement and agreed that there should be a link between Geneva and New York. The international community had a responsibility to provide the capacity-building programme to the African Group, and he encouraged the General Assembly to take action on the decision in principle to webcast the treaty body sessions. Webcasting was important to accountability.

visibility and the participation of staff who could not travel and was a feasible measure that would enhance the existing capacity-building programme.

13. **Mr. Modvig** (Chair of the Committee against Torture) said that the number of States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had reached 160, with the accession of the Central African Republic. Those States had committed to actively prevent torture through legislation and the implementation of legal anti-torture frameworks. Victims of torture could safely file a complaint and be assured that it would be investigated promptly, impartially and thoroughly, with no risk of violent repercussions, threats or intimidation. In addition, procedures and arrangements for holding and treating people deprived of liberty had to be regularly reviewed by the State to ensure protection against torture. An independent research project undertaken by the Association for the Prevention of Torture had determined that the effective implementation of fundamental legal safeguards upon arrest was the most effective measure to prevent torture, thereby reinforcing previous findings of the Committee.

14. The Committee engaged in constructive dialogue with most States parties to the Convention and provided recommendations. However, 28 States had never submitted a report to the Committee, and seven States had not reported to the Committee for more than a decade, despite their obligation to submit a report every four years. To ensure that constructive dialogue on the prevention of torture could still take place, the Committee had decided to undertake reviews of States parties in the absence of an initial report. In addition, the simplified reporting procedure, which had been agreed to by 92 States parties to the Convention, had been designed by the Committee to ease reporting obligations, and he encouraged the remaining States parties to agree to that procedure. As part of the treaty body strengthening process, the 10 treaty bodies met to exchange best practices to streamline procedures. In 2016, the Committee had met with the Committee on the Elimination of Racial Discrimination.

15. For the third time since its creation, the Committee against Torture had requested a special report. On the basis of information provided by the High Commissioner for Human Rights, the Special

Adviser on the Prevention of Genocide and numerous reports from NGOs concerning attacks against the opposition, a special report had been requested from Burundi which, commendably, had been submitted. The Burundian delegation, headed by the Minister of Justice, had attended the first half of the dialogue with the Committee. However, it had not attended the second half of the dialogue, arguing that the review had been based on reports from NGOs that had not been shared, had gone beyond the issues covered by the special report and that there had not been enough time to reply. The Committee had dismissed those accusations, providing Burundi the opportunity to submit its written replies, and stressed its wish to continue the dialogue, in particular in the context of its follow-up to the concluding observations adopted in August 2016. The follow-up procedure to concluding observations now encouraged States parties to submit to the Committee a plan for the implementation of its recommendations in order to strengthen the process through continued dialogue between periodic reports.

16. Since 1988, the Committee had registered 770 individual complaints alleging violation of the Convention concerning 35 States parties. There was a current backlog of 175 complaints pending before the Committee. It was therefore vitally important that the Secretariat should be provided with additional staff resources to assist the Committee. There were still 89 States in which individuals were unable to submit complaints to the Committee, as those States had not yet recognized the competence of the Committee in that regard, thereby limiting the tools available to monitor full compliance with the Convention.

17. The Committee had begun issuing general comments on certain articles of the Convention in order to clarify expectations of States parties. Three general comments had been issued concerning articles 2, 3 and 14 of the Convention, and the Committee had begun the revision of general comment No. 1 on article 3.

18. Upon receiving allegations of the systematic practice of torture within a State party, the Committee had the mandate to institute a confidential inquiry. The Committee had undertaken nine such inquiries and was currently considering others. There were still 14 States parties that had not recognized the competence of the Committee in that regard. He called upon those States that had not ratified the Convention to do so and urged

the States parties to accept all of the procedures of the Convention.

19. The Committee also relied on a close collaboration with civil society organizations, national human rights institutions, national preventive mechanisms and other actors to fulfil its mandate. It was therefore essential that all those cooperating with the Committee and contributing to the fight against torture, especially civil society actors, should be protected from reprisals.

20. **Ms. Kofoed** (Denmark) said that since 2014, when Denmark had helped to launch the Convention against Torture Initiative to encourage universal ratification and improved implementation of the Convention, there had been a steady increase in the number of States parties to the Convention and its Optional Protocol. She wished to know how a universal set of guidelines on interrogation might assist the Committee in its monitoring and assessment of State practice to prevent torture.

21. **Mr. Forax** (Observer for the European Union) said that the European Union was pleased to note the steady increase in the number of countries that had ratified the Convention over the past year and acknowledged the efforts of the Committee to share the expertise of its members by participating in various meetings and seminars, despite its increasing workload.

22. With regard to the decision of the Committee to revise General Comment No. 1 on the principle of non-refoulement, he asked what the procedure would be and what role the Member States would play. He also wondered how the Committee planned to address the increasing number of individual complaints.

23. **Mr. Al-Hussaini** (Iraq) said that a large number of people in Iraq were being violated by the actions of Islamic State in Iraq and the Levant (ISIL) and subjected to many forms of abuse, including rape and torture. The Government of Iraq had documented those atrocities in order to punish the perpetrators. Operations were currently underway in Mosul to clear out groups affiliated with ISIL, and the Government was attempting to provide basic services to the people who would be rescued after the area was liberated. Given that the Committee provided support to the States parties to the Convention, including Iraq, he

would like to know what urgent aid could be given to Iraq following the liberation of Mosul.

24. **Ms. Butler** (United Kingdom) said that her delegation was pleased to note the gradual increase in the number of countries that had ratified the Convention against Torture and encouraged the remaining States to do so as well. It would be helpful to discuss the main obstacles that States encountered when considering ratification.

25. **Mr. Modvig** (Chair of the Committee against Torture) said that the implementation of fundamental legal safeguards was one of the most important issues for protection against torture. Standards governing interrogation would provide internationally agreed norms stipulating how to conduct interrogations without violating the Convention and would therefore assist the Committee in implementing the prevention obligations of the States parties.

26. The treaty bodies were in the process of aligning their procedures for the adoption of general comments. Before the final adoption of general comment No. 1, there would be a consultation process, and the Committee would welcome the input of States parties.

27. With regard to the situation of Iraq, constructive dialogue with both the Committee against Torture and the United Nations Voluntary Fund for Victims of Torture would allow Iraq to meet its obligations under article 14 of the Convention and provide appropriate redress to victims.

28. Perhaps the Member States that had not yet taken steps to ratify the Convention worried that they would need to change their general legislation prior to ratification, which was not necessarily the case, or that the reporting obligations would exceed their current capacity and resources. The Convention against Torture Initiative could provide peer-to-peer support to assist Member States, and he looked forward to their continued collaboration with the Committee.

29. **Mr. Evans** (Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), introducing the ninth annual report of the Subcommittee (CAT/C/57/4) and providing updates on its subsequent activities, said that the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been ratified or acceded

to in 83 countries, with Cabo Verde, the Central African Republic and Ghana having joined the system in 2016. Accordingly, over half of the States parties to the Convention were also parties to the Optional Protocol. He reiterated his support for the Convention against Torture Initiative led by Chile, Denmark, Ghana, Indonesia and Morocco. The Convention and its Protocol were complementary, and torture prevention was crucial for ensuring that the maximum benefit was obtained from the international mechanisms put in place to address torture and ill-treatment in places of detention. Allowing the United Nations Voluntary Fund for Victims of Torture to present its work to the General Assembly would provide greater focus on torture and its prevention, as well as support and rehabilitation for victims.

30. The Subcommittee was seeking to undertake more field visits in response to the increasing number of States parties to the Optional Protocol. It had conducted eight visits in 2015 and was planning to visit ten countries in 2016. However, the Subcommittee would be unable to increase its workload further given the current level of resources available. As States continued to ratify the Convention, the Subcommittee would continue to fall further away from achieving its benchmark goal to undertake visits every four years. The Optional Protocol provided the most powerful mandate for torture prevention available, and yet the international community continued to fail to provide the means necessary to carry out its purpose. The international community should honour its commitment to torture victims and the prevention of torture by providing proper support to the preventive visits, which could be undertaken cheaply, swiftly and effectively.

31. The Optional Protocol was designed to allow the Subcommittee to conduct unannounced visits to places of detention. Since his last report, some States parties had nevertheless continued to question the scope of the mandate. The Subcommittee would not accept any suggestion that its planned visits should be cancelled or postponed because a State was reluctant for that visit to take place. States were legally obligated to facilitate the visit of the Subcommittee at the time of its choosing, as stipulated in the text of the Convention. The mandate of the Subcommittee extended to any place that it believed a person might be detained on the basis of public authority and was

not limited to formal places of detention. The definition was deliberately wide and included places where third parties might be detaining persons under the authority or regulatory oversight of the State. The visits were intended to assess typical conditions, not the temporary improvements to facilities and the treatment of detainees in anticipation of the visit. He urged States parties to respect the principles of the Optional Protocol and gave his assurances that the Subcommittee would do the same, speaking fairly and confidentially about the situation, not in the spirit of condemnation but of cooperation, in order to best serve the interests of detained persons and detention systems.

32. The Subcommittee was doing everything possible to fulfil its mandate to assist the national preventive mechanisms in their work. The number of such mechanisms continued to rise, as did the quantity and quality of their work. Despite its inadequate capacity, the Subcommittee would continue to do its best to address the failure to provide systematic and focused support and technical assistance to States parties and national mechanisms. Many mechanisms were themselves understaffed, lacked resources or had legal mandates falling short of what was required under the Optional Protocol. Several of those problems could be addressed through collaboration.

33. As stated before, post-visit dialogue with States needed to be enhanced. There must be a roadmap for regular contact among State authorities and the Subcommittee to discuss progress with the consideration and implementation of recommendations. The process required fluid, discursive and engaged dialogue in order to be effective, rather than sterile exchanges of formal documentation. Although those changes had proven difficult, the Subcommittee pledged to attempt to work harder and develop the capacity to engage more fully with States in confidential dialogue in fulfilment of its mandate to assist in the implementation of recommendations.

34. The Optional Protocol Special Fund had supported many worthwhile projects to assist in the implementation of recommendations. However, the Fund was in dire need of resources and would almost certainly fail in 2016 unless it received immediate voluntary contributions. It would be the first voluntary fund to fail in such a way. He urged States to give serious consideration to supporting the Fund to

demonstrate that their commitment went beyond rhetoric. A small contribution could go a long way in addressing the most serious violations. The Subcommittee itself strove to make good use of its sessions, but they were congested and overburdened. In its three one-week sessions, it was impossible to consider the reports and follow-up arising from over 50 visits, engagement with 65 national preventive mechanisms, the Special Fund, international processes, jurisprudence and organizational matters. The Subcommittee attempted to work in chambers when possible, but the lack of interpretation services could be discriminatory and prohibit effective participation. It was essential that the Subcommittee should be provided with additional meeting time or interpretation facilities in chambers.

35. Increased pressures on detention and security services contributed to the likelihood of resort to ill-treatment, and increasing concerns over the protection of national security and national boundaries was generating new sources of risk. The Optional Protocol had created an impressive web of preventive mechanisms at the international and national levels, but the international community must be willing to support that system and work in partnership within the United Nations and within regional systems in order to take serious and effective action to prevent torture.

36. **Ms. Kirianoff Crimmins** (Switzerland) said that her delegation would like to hear more about how the Subcommittee could assist States in the establishment of national preventive mechanisms that respected the conditions set forth in the Optional Protocol, their independence in particular. She wondered whether the growing number of visits to places of detention undertaken by the Subcommittee impeded it from increasing its engagement with national preventive mechanisms. Her delegation commended the Subcommittee for its efforts to optimize its working methods and supported increasing its resources in order to meet its growing workload.

37. **Ms. Butler** (United Kingdom) said that her delegation encouraged all States to sign the Optional Protocol without delay and all States parties to take advantage of the tools available in order to meet their obligations, which included maintaining a dialogue concerning implementation with the Subcommittee. Some States that had not ratified the Optional Protocol

noted that they had already established domestic mechanisms. It would therefore be useful to know how the Optional Protocol could complement any national systems already in place.

38. **Mr. Forax** (Observer for the European Union) said that the European Union encouraged all States to sign and ratify the Optional Protocol. Independent national preventive mechanisms were a particularly important tool, and the number of States parties that had still not formally complied with their obligation to establish such a mechanism gave cause for concern. Sadly, no new national preventive mechanisms had been designated within the last year. He wondered whether the Subcommittee had any initiatives in mind to encourage further ratification and better implementation of the Optional Protocol.

39. **Ms. Brodská** (Czech Republic) said that the reporting cycle should not be too long, and with 83 States parties to the Optional Protocol, it seemed that the Subcommittee should visit more States every year. She wished to know how the Subcommittee intended to handle the increasing numbers of States parties while effectively conducting its mandate.

40. **Ms. Kofoed** (Denmark) asked how a universal set of guidelines on interrogation might assist the Subcommittee in the context of its visits to places of detention.

41. **Mr. Evans** (Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) said that he firmly believed that one of the most important elements of the Optional Protocol was the synergy it created between prevention at international and national levels. There were a number of States that had not yet designated a national mechanism or whose mechanism lacked the capacity to act. In order to assist States, the Subcommittee had produced guidelines to outline what should be expected of a national mechanism and how it could best be constructed, bearing in mind the unique situation and specificities of each country. It should therefore be tailored to the legal and practical situations of each country concerned. In addition, the national preventive mechanism should be designated or established within one year of the entry into force of the Convention. It was therefore vital for the Subcommittee to meet with States parties as soon as possible after the ratification

of the Convention in order to establish clear expectations and provide assistance. The Subcommittee would then be well placed to comment on proposals and put States in touch with other States that could provide direct practical guidance and assistance.

42. By joining the international system, national mechanisms could receive support and encouragement, as well as information that might otherwise be unavailable. The Subcommittee could identify where there might be threats to their independence or operational activities and could also facilitate cooperation among national mechanisms in neighbouring countries. Peer-to-peer networks of national mechanisms were being created in many parts of the world and were proving to be extremely beneficial.

43. The Subcommittee was keen to meet with States that were contemplating the ratification of the Optional Protocol, and would gladly explain the process and requirements of establishing a national mechanism. Any signatory State was also welcome to contact the Subcommittee at any time to seek advice. Greater clarity about how investigations could be conducted in a way that respected the rights of the person being questioned would be beneficial and could also contribute to operational effectiveness. In many States, information was sometimes acquired in a way that caused it to be inadmissible in court proceedings because of the exclusionary rule. Clear guidelines would benefit both those being questioned and those doing the questioning, and he looked forward to having further discussions on how such guidelines might be developed.

44. Unfortunately, the Subcommittee did not have the capacity to undertake more visits. More practical resources must be made available to OHCHR to devote to the work of the Subcommittee in order to sustain its work.

45. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that there had been a genuine crisis in international cooperation with his mandate and other special procedures during the past six years. Approximately 50 per cent of States responded to the communications sent out by his Office in accordance with the procedures established for cases of suspected

violations of human rights. The country visits were a fundamental part of the mandate and must include visits to institutions historically isolated from the outside world, such as prisons, police stations, psychiatric hospitals and migrant detention centres. Opening those institutions to the scrutiny of independent experts could contribute immensely to the prevention of torture and other ill-treatment. Many countries had refused to invite him or had ignored his requests. Others issued invitations that were later rescinded, often at the last minute.

46. A scheduled visit to Turkey had recently been postponed by the Government; he hoped that his successor could carry out the visit as soon as possible. After a number of postponements, there was still no set date to visit Bahrain or Thailand. In the case of Gambia, the terms of reference that had been agreed had been unilaterally violated by the Government during the visit. Over the course of his mandate, he had issued several requests for invitations to Cuba, India, the Islamic Republic of Iran, Venezuela and Zimbabwe, but had received no response. More recent requests to Egypt, Saudi Arabia and the United Arab Emirates had also gone without reply. In other cases, he had received invitations with inadequate terms of reference, which would severely undermine the credibility of the protection mechanisms. The Russian Federation had issued an invitation on the condition that interviews with detainees must be authorized on a case-by-case basis. The United States of America had issued an invitation to Guantanamo for a briefing by its authorities and for a tour of some parts of the detention centre under the express condition that he could not speak with any detainee. Since 2012, he had also been requesting an invitation to visit prisons within United States territory to investigate issues related to solitary confinement, but had only received denials from several states and unacceptable restrictions for a visit to a federal maximum-security prison.

47. Follow-up visits were also important, in order to verify that recommendations had been implemented. He had not been invited to follow-up visits to Mexico or Morocco and Western Sahara. Given the importance of evaluating the implementation of recommendations, he was presenting follow-up reports concerning Kyrgyzstan and Mexico without having conducted the follow-up visit. He thanked the States that had allowed

him to visit and hoped that the recommendations had been useful.

48. The Office of the Special Rapporteur had contributed to the development of a normative framework applicable to torture and ill-treatment, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the Istanbul Protocol. It had broadened the conversation on torture to encompass situations unrelated to detention, such as gender violence, the denial of abortion and certain types of painful therapies that were not justified by medical need or the free and informed consent of the patient. The Office had also advanced the discussion on the detention of children and the inclusion of a gender perspective in the prevention of torture in order to determine how to provide remedies that would address the unique way in which women, girls, boys and lesbian, gay, bisexual, transgender and intersex persons suffered torture and ill-treatment.

49. Introducing his interim report (A/71/298), he said that it focused on the need for a universal protocol for interviews of suspects, witnesses and victims in order to prevent the use of torture and other ill-treatment and coercive measures in the context of criminal investigations. There was no historical or scientific evidence to support the idea that torture was an effective way to obtain information. In fact, science and experience in the criminal justice system had shown that ill-treatment and coercion were counterproductive. They damaged areas of the brain related to memory, affected mood and cognitive function, weakened and disoriented subjects and made them more likely to invent memories, giving rise to false confessions and unreliable information. Torture, ill-treatment and coercion also had harmful effects on the mental health of the interviewers themselves.

50. Following the model of the Nelson Mandela Rules and the Istanbul Protocol, there should be a public consultation process with the participation of States, civil society and other relevant stakeholders to develop a universal protocol for interviews, which would outline a detailed interviewing model that fully respected international human rights law and the prohibition of torture, ill-treatment and coercion. It should be non-coercive, ethically sound, research-based, empirically founded and facilitate the elicitation

of accurate and reliable information. National legislation should incorporate the protocol, which should be universally applicable both *de jure* and *de facto*. It should be used without exception in all interviews carried out by all agents of the State working in security, the justice system, the military, intelligence and administration, as well as by private contractors and others acting on behalf of the State. It should apply in the context of armed conflicts and beyond borders. The protocol should help to move beyond accusatorial models of questioning, which tended to be confession driven and characterized by a *de facto* presumption of guilt and the use of confrontation and manipulation. Threats, inducements, misleading practices, protracted or suggestive questioning and the use of drugs or hypnosis were examples of problematic practices. Demeaning or condescending comments or accusations based on individual qualities or cultural identities were also of concern.

51. The PEACE model of interviewing adopted in 1992 in England and Wales could serve as a reference for the protocol. Interviewers must seek to obtain accurate and reliable information in the pursuit of truth; gather all available evidence pertinent to a case before beginning interviews; prepare and plan interviews based on that evidence; maintain a professional, fair and respectful attitude during questioning; establish and maintain a rapport with the interviewee; allow the interviewee to give his or her free and uninterrupted account of the events; use open-ended questions and active listening; analyse the information obtained against previously available information or evidence; and evaluate each interview with a view to learning and developing additional skills. Interviews were a complex task that should be undertaken by specialists with the highest level of professionalism who were adequately trained in the prevention of torture and in interviewing techniques that respected human rights.

52. It was essential to have due process guarantees to ensure the rights to a fair trial, not to be compelled to testify against oneself or to confess guilt and receive legal counsel from the moment of arrest, especially before being interviewed. Every detained or arrested person must be informed of their rights, especially the right to remain silent. Information should be provided in a manner that was sensitive to age, gender and

culture and corresponded to the needs of vulnerable persons and in a language, means, mode and format accessible to and understood by them. Means of verification and documentation that the information had been provided must be established. The protocol would make it possible to identify the special needs of interviewees, including children, women, persons with disabilities, persons belonging to minorities or indigenous groups and non-nationals, including refugees, asylum-seekers and stateless persons. The recording of interviews was a fundamental safeguard against torture, ill-treatment and coercion. Every reasonable effort must be made to record interviews, by audio or video, in their entirety, especially in the context of detention and criminal justice. Where circumstances precluded or when the interviewee objected, the reasons should be stated and a comprehensive written record of questioning must be kept. Evidence from non-recorded interviews should be excluded from court proceedings. States were obligated to guarantee the availability of prompt, independent, adequate and consensual medical examinations at the time of arrest and at regular intervals thereafter, as soon as a detainee entered a custodial or interview facility and upon each transfer. Examinations should be carried out pursuant to allegations of mistreatment or any sign that mistreatment might have occurred, in accordance with the Istanbul Protocol.

53. In order to prevent the use of torture, the protocol should reiterate the obligation of States to combat impunity and provide remedies for torture and ill-treatment committed during questioning. Statements and evidence obtained through torture, ill-treatment or any other kind of coercion should be inadmissible in any trial, unless they were used against the presumed perpetrators. National legislation should only accept confessions made in the presence of an independent lawyer and only when confirmed before a judge.

54. He urged States to begin a consultation process to design the universal protocol, in collaboration with regional and international human rights mechanisms, civil society and experts and based on the fundamental principles of international human rights law, the prohibition of torture and ill-treatment, the presumption of innocence and the search for truth.

55. **Mr. Wheeldon** (United Kingdom) said that the United Kingdom unreservedly condemned the use of

torture. It would continue to work with its partners towards the eradication of the practice through the universal ratification and implementation of the Convention against Torture and its Optional Protocol.

56. **Mr. García Moritán** (Argentina) said that his delegation supported conducting a broad public consultation in order to design a protocol to prevent the use of torture in interviews. He asked the Special Rapporteur to identify the main obstacles in the application of such a protocol and how existing mechanisms could be strengthened to increase awareness of related human rights violations.

57. **Ms. Rasheed** (Observer for the State of Palestine) said that the right to be free from torture and ill-treatment was a rule of customary international law and a peremptory norm that applied to all States at all times, including during the questioning of detainees. In complete disregard of that rule, one of the many extreme forms of Israeli violence against the Palestinian civilian population in the Occupied Palestinian Territory had been the use of torture in prisons, for both repressive and interrogation purposes. Israel was the only State in the world that had codified and legalized the use of torture in interrogation, in contravention of its obligations under international humanitarian law. Those unlawful practices were exacerbated by a culture of impunity and a failure to ensure accountability and provide adequate remedies. Given that Israeli legislation did not criminalize torture, she wondered what measures could be taken to hold the occupying Power accountable and compel it to put end the systematic torture of Palestinian detainees and prisoners, including during interrogations.

58. **Ms. Vydmantas** (United States of America) said that her delegation supported focusing attention on improving investigative techniques among law enforcement agencies to reduce sole reliance on confessions, where such reliance increased the risk of torture. It would be interesting to know how States could better cooperate to share best practices on improving investigative and other law enforcement techniques and what best practices had been identified among States that were making new efforts in that area.

59. The United States had engaged in discussions with the Special Rapporteur regarding his request for a country visit and regretted that it had not been possible

to facilitate a visit on mutually agreed terms, but remained open to discussing the terms for an official visit by his successor. Requests to visit detention facilities were considered on a case-by-case basis, and she noted that other United Nations mandate holders had visited detention facilities in the country.

60. **Mr. Hatipoglu** (Turkey) said that his country had been taking steps aimed at further strengthening democracy, promoting respect for human rights and fundamental freedoms and consolidating the rule of law and the independence of the judiciary. Combating torture and ill-treatment remained a priority for his Government, as evidenced by its zero-tolerance policy. Turkey was a party to both the Convention against Torture and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and cooperated constructively with their respective international monitoring bodies. As a party to the Optional Protocol to the Convention against Torture, in 2012 Turkey had designated a human rights and equality institution as the national prevention mechanism.

61. Turkey duly maintained close, constructive cooperation with the special mechanisms of international organizations, fulfilling its reporting obligations to the Committee against Torture and upholding the spirit of collaboration with the Special Rapporteur. The Government was working to reschedule a visit with the incoming Special Rapporteur and was fully committed to taking effective legislative, administrative and judicial measures to prevent acts of torture as defined in the Conventions to which Turkey was a party. Its cooperation with the relevant United Nations bodies would continue unabated.

62. **Ms. Nescher-Stuetzel** (Liechtenstein) said that a prominent human rights lawyer and activist in Egypt, which was a party to the Convention against Torture, had been charged with several offenses for working on an anti-torture bill that would bring the national legislation in line with the Convention, and the judges working with him were being investigated. She asked the Special Rapporteur what measures he had taken or could suggest to his successor in order to ensure that the legislature in Egypt and other countries complied with the Convention, in particular when they were

parties to the Convention and had accepted the recommendations of the universal periodic review.

63. **Mr. Habib** (Indonesia) said that his delegation took note of the proposal to establish a universal protocol for interviews. The multilateral process for its development must be transparent, accountable, fair and balanced and should include the collaboration of all parties concerned, including law enforcement and other investigative bodies. Indonesia appreciated the continued focus on the persistent use of unlawful and improper interviewing practices in counterterrorism and remained committed to upholding human rights in that context. He wondered how the international community could explain to law enforcement officials and other investigative bodies that the proposed protocol was both important for the promotion and protection of human rights and essential in discharging their duties and keeping societies safe.

64. **Ms. Kofoed** (Denmark) said that, at the thirty-first session of the Human Rights Council, Denmark had put forth a resolution on torture prevention in the early stages of police custody and pretrial detention, which had been unanimously adopted. She wished to know what role the Convention against Torture Initiative and similar organizations could play in the development of the universal guidelines for investigative interrogation.

65. **Ms. Karimdoost** (Islamic Republic of Iran) said that her delegation took note of the proposal to develop a universal protocol to identify standards for non-coercive interviewing methods and procedural safeguards. She asked the Special Rapporteur to what extent the universal protocol could cover police brutality, the ill-treatment of migrants and refugees and the human rights violations committed in armed conflicts and wars against terrorism.

66. **Ms. Diedricks** (South Africa) said that victims of human rights violations had often found themselves without recourse, remedies or access to rehabilitation. South Africa highly valued the work of the International Rehabilitation Council for Torture Victims and continued to make financial contributions to the United Nations Voluntary Fund for Victims of Torture. She would appreciate information on how best to deal with torture committed by non-State actors.

67. **Mr. Forax** (Observer for the European Union) said that States and other relevant stakeholders should engage in a broad public consultation on the development of a universal protocol for interviews. It would be helpful to elaborate on the development process and the role of non-State stakeholders, including the mandate of the Special Rapporteur.

68. **Ms. Kirianoff Crimmins** (Switzerland) said that her delegation welcomed the proposal to develop a universal protocol for interviews, as many States flouted existing normative frameworks. She wondered how the protocol could improve respect for those frameworks and requested additional information concerning the consultation process.

69. **Ms. Enersen** (Norway) said that the widespread use of torture called for political leadership. The important underlying structural reasons for the use of torture and ill-treatment, such as impunity, the malfunctioning of the administration of justice and the lack of respect for legal safeguards, must be addressed. Her delegation supported the proposal to develop minimum standards and rules on investigative interviewing, but wondered whether there were other ways and means to pursue that goal, rather than a universal protocol.

70. **Ms. Matar** (Bahrain), in reference to the visit of the Special Rapporteur to the Kingdom of Bahrain, said that her Government was committed to cooperation with the United Nations, but retained its sovereign right to determine when to extend invitations to Special Rapporteurs. The Minister for Foreign Affairs had met with the Special Rapporteur during the twenty-fifth session of the Human Rights Council and had conveyed his concern that the visit might undermine work to implement the recommendations of the Bahrain Independent Commission of Inquiry and create a second narrative that would polarize society at a critical time when reconciliation was most needed. In addition, there had not yet been enough clarity on the terms of reference of the visit, and her Government was deeply concerned about the politicization of the special procedures, in particular the public statements made by the Special Rapporteur, which prejudged the situation on the ground and appeared to have been made without any investigation or verification. In 2016, Bahrain had submitted its report to the Committee against Torture. Nevertheless, the

Government encouraged and welcomed further bilateral consultations with the Special Rapporteur, should the need arise.

71. **Mr. Ruidiaz Perez** (Chile) said that vulnerable persons faced an increased risk of torture and ill-treatment, especially when deprived of liberty or undergoing questioning. The situation of lesbian, gay, bisexual, transgender and intersex persons was exacerbated in States that criminalized their sexual orientation or gender identity. He wondered what key measures could be adopted within the proposed guidelines and protocols to lessen the risk of torture and ill-treatment for members of sexual minorities.

72. **Mr. Méndez** (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) said that public opinion was the biggest obstacle to the effective prohibition of torture. Many people felt that torture was inevitable, necessary and effective and helped to prevent crime. There was also a tendency to believe that the prohibition of torture did not apply to certain crimes, such as terrorism and organized crime. However, international human rights law was very clear that there were no exceptions. The guidelines proposed in the report made no change to the existing normative framework for human rights or the prohibition of torture. The goal was simply to provide more concrete details on the prohibition of ill-treatment in the course of criminal investigations and questioning. It would not require fundamental changes to national legislation, but it would require a cultural change in those bodies that carried out the law. That change could be brought about by involving law enforcement officials from the beginning of the process and putting them in contact with their peers in other countries so that they could see the effectiveness of investigations based on the proposed model. In fact, he had based his proposal on discussions with investigators and interviewers and felt that the exchange of experiences would convince officials to change the way in which they combated crime.

73. The generic model described in the report was already practiced in many countries. It was not, therefore, theoretical or beyond the capacities of States, nor did it depend on resources from the State. All that was needed was the political will to combat crime effectively while respecting human dignity. The guidelines would be useful both for States and in

international law, where they could serve as a model for comparison. The report merely advocated for the guidelines but did not stipulate what form they should take or what process should be used. He believed that sharing best practices would be a key component and hoped that the process would involve the exchange of experiences among all States and sectors, with contributions from experts and civil society.

74. He had envisioned the guidelines to be similar to the Minnesota Protocol, the Nelson Mandela Rules and the Istanbul Protocol. Although they were considered soft law, each was very elaborate and authoritative. The guidelines or protocol should be developed with broad participation, especially from the Committee against Torture, the Subcommittee on Prevention of Torture, the Human Rights Council, as well as regional mechanisms, such as Inter-American Commission on Human Rights, the European Council and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. There was much experience that could guide the process to develop the guidelines for interviews. If they would agree to do so, the countries that led the Convention against Torture Initiative could design it. The most important aspect would be to have broad discussion so that all parties would take ownership of the final result and therefore be inclined to implement the guidelines effectively.

75. With regard to the non-criminalization of torture, States were obligated to criminalize torture under common law and the Convention against Torture, and the definition of torture used in national legislation must align with that of the Convention. With regard to the visit to Turkey, he was pleased to hear that Turkey was willing to extend an invitation to his successor and hoped that the visit could be undertaken soon.

76. Among measures taken when he was not invited to visit a country were communications sent by his Office. Although it only received responses to half of them, he maintained actively engaged and intervened in any way possible. Communications were only sent after his Office had conducted very thorough research with the available information and there was *prima facie* evidence that the complaint was credible.

77. With regard to non-State actors, the prohibition of torture was governed by the Geneva Convention. Torture in armed conflict had always been a part of his

mandate, and torture committed by non-State actors fell under his mandate in certain situations, for example, when they acted as quasi-State entities and when the State was held responsible for not taking steps to protect people who were vulnerable to torture. Under those circumstances, his mandate had acted on issues of domestic violence and when women were denied reproductive services. International law, however, did not provide guidelines for his mandate to act in all cases relating to non-State actors.

78. **Mr. Salvio** (Chair of the Human Rights Committee), introducing the annual report of the Human Rights Committee (A/71/40), said that the language of human rights, through the treaty bodies, could provide a counterbalance to torture, discrimination, violence against women and the lack of protection and vulnerability of migrants, which remained a concern that could only be addressed by working together. He called on the Member States to give serious consideration to how they could assist in changing that deplorable reality by strengthening the Committee and supporting its decisions.

79. There had been advances in the implementation of the International Covenant on Civil and Political Rights. Many States requested and then implemented the recommendations of the Committee and were engaging more with civil society. They had paid compensation to victims, amended legislation and granted residence permits to petitioners who were at risk of being tortured if returned to their countries of origin. Nevertheless, States must be more committed to implementing the decisions of the Committee in order to see real change on the ground.

80. In June 2016, the first joint meeting was held between the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. It had explored the complementarity of the two Committees, the relevance of the two Covenants and opportunities for collaboration.

81. Through General Assembly resolution 68/268, the Human Rights Committee had received extra resources and financing which had provided an additional two and a half weeks of meeting time a year. With regard to reporting, the Committee had exceeded the target set in the resolution to increase the number of reports reviewed per session and no longer had a backlog. It had issued views on 115 individual communications

under the Optional Protocol. As the number of cases being registered continued to increase each year, the Committee did have a backlog in that area.

82. The treaty body review process provided an opportunity to consider the future of the two Covenants and their Committees. Although the implementation of General Assembly resolution 68/268 was globally positive, a number of areas required additional resources. The Committee had been granted additional meeting time but it had not been matched by a corresponding increase in human resources to prepare the necessary preliminary documentation. It was therefore unable to use the additional meeting time efficiently, and a large backlog of communications remained.

83. He congratulated the Secretariat for its extraordinary work under extremely difficult conditions. The policy of staff rotation had negatively impacted the work of the Committee, as the institutional memory and legal expertise developed over time were lost. Webcasting was an important service that improved the visibility and accessibility of the treaty body system and had been developed with outside funding acquired by OHCHR. In order to maintain that service beyond June 2017 and make it accessible in all United Nations languages, funding must come from the regular budget.

84. Follow-up procedures were at the centre of the International Covenant on Civil and Political Rights. They allowed for the identification of good practices and the collection of quantitative indicators to measure State engagement and provided States with an opportunity to take corrective measures prior to the next review. Non-reporting and late reporting by States continued to be an issue. Without the reports, the Committee was not aware of the challenges faced by States and could not provide guidance. He encouraged the 50 States that were at least five years overdue with their initial or periodic reports to submit them as soon as possible. Technical assistance was available from OHCHR, and all States could use the simplified reporting procedure.

85. He called on States to comply with the good-faith obligations made under the Optional Protocol and implement the recommendations of the Committee. He expressed concern that some States parties to the Second Optional Protocol had announced their

intention to reintroduce the death penalty and encouraged all States parties to take their obligations under the treaties seriously and refrain from taking retrogressive measures that would only undermine the human rights progress that had been achieved.

86. **Mr. García Moritán** (Argentina) said that it would be helpful to further discuss the impact of the lack of sufficient resources in personnel and translation services on the substantive work of the Committee. He wondered what the next step would be in the development of the general comment on article 6, concerning the right to life, and when it would be issued.

87. **Mr. Forax** (Observer for the European Union) said that the European Union appreciated the continued efforts of the Committee to accelerate its work through the revision of its rules of procedure. It would be interesting to hear more about the expected results and whether there were any specific issues that the working group wished to address. He asked how the European Union could assist in strengthening the treaty bodies.

88. **Ms. Nescher-Stuetzel** (Liechtenstein) said that many States had included provisions on aggressive wars or the illegal use of force in their national criminal codes, and the Rome Statute of the International Criminal Court listed the crime of aggression among its four core crimes. She asked how the Committee planned to reflect on the relationship between illegal wars and the right to life in the general comment under consideration.

89. **Ms. Węgrzynowska** (Poland) she said that her Government appreciated the cooperation of the Committee during the recent review of its implementation of the Covenant. The opinions expressed by the Committee would be analysed in detail and taken into consideration in future Government action. It would be helpful to hear about the relationship between the Committee and other United Nations bodies and the potential for further synergies, cooperation and strengthening of relations.

90. **Mr. Salvioli** (Chair of the Human Rights Committee), regarding the delay in reporting, said that the Committee would examine States in the absence of a report; however, it was more beneficial to have information from the State. Those facing difficulty in complying with their obligation to present reports

could request technical assistance. The reduction in personnel had a significant impact on the work of the Committee. It was completely up to date and had the capacity to do more, but lacked the pre-session documentation from the Secretariat. In addition, the lack of translation services was harmful because it led to misunderstandings, as the experts must have access to the best possible resources when evaluating States.

91. Once the Committee completed the first reading of its general comment on the right to life, all States would be invited to provide input on the draft. He assured the representative of Liechtenstein that all guarantees of the right to life were reflected in the draft general comment. The international community could help the Committee to strengthen the treaty bodies by fully participating in the process. The Committee was very well connected to the other treaty bodies and also met with other United Nations bodies and special procedures, as well as regional organizations.

92. **Mr. Moussa** (Egypt), speaking in exercise of the right of reply, said that his delegation was startled by the false accusations and baseless claims levied against its Government, which had unfortunately been based on unverified, biased information. He reminded delegations that the current session was not the proper venue for raising such issues. His Government had always called for non-politicization, non-selectivity and impartiality when dealing with human rights in the international agenda, and the statement made had displayed a lack of understanding of the case. The case was being brought before an independent Egyptian court, the person being cited had not been licensed to conduct such activities, and his NGO had not been registered as such in Egypt. Those were the reasons for the trial. He urged all delegations to respect the rule of law and the independence of the judicial procedures of Egypt and to avoid politicization and polarization of the human rights agenda in order to allow for a constructive and fruitful dialogue.

The meeting rose at 1 05 p.m.